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A study of the process of desegregation in Virginia public schools shows that in questions of equal protection there are many Virginias, not just one. Therefore, the report consists of studies of particular communities and their individual experiences with desegregated schools. The relevant background information, the specific pattern for desegregation including pupil placement, tuition grants, and the special problems encountered by each district are discussed.

All of the communities chosen for study have had some degree of desegregation in their schools. Northern Virginia, composed of Arlington, Alexandria, Fairfax, and Falls Church, is a densely populated area with proportionately few Negro residents. This area is more liberal on the civil rights issue than the rest of the State and has had a greater capacity to accept desegregation. Norfolk is Virginia's largest city and has a considerable Negro population. In spite of a lack of communication and understanding of its Negro community, Norfolk is more forward-looking, more flexible, and less self-conscious than many other Virginia cities. Richmond, Virginia's capital and second largest city, has the largest percentage of nonwhite citizens in any major city of the State. Anxiety over the size of its Negro population has been one of its major problems. Charlottesville has an average Virginia ratio of Negroes to whites and has had a rather calm desegregation. Warren County is the smallest area studied. Its major problem is a split in the white community over the tuition-grant program.

The two general conclusions are that the pace of Virginia's desegregation has been slow and that Negro education in Negro schools is not equal to education for whites.

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Public Schools: Southern States

1962

VIRGINIA

By Edward A. Mearns, Jr.

A Report To

THE UNITED STATES COMMISSION ON CIVIL RIGHTS

Office of Education-EEOP

Research and Materials Branch

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Preface

This is a report on public school desegregation in Virginia. A great deal of the information reported is based on personal interviews in the areas studied, including those with school superintendents, school board members, principals, teachers, members of city councils, and county boards of supervisors. Also, there were valuable meetings with interested and knowledgeable persons in these communities, such as newspaper editors, civic leaders, and parents of school children. Throughout, both whites and Negroes were consulted in a sustained effort to get a balanced view of each community.

The picture finally presented is reconstructed from these interviews. It represents no single outlook, but in every case is a synthesis of many, distinct views. In northern Virginia, the basic research and interviews were conducted by a member of the Commission staff. The responsibility for the descriptions, analysis, and conclusions contained in the report, including the northern Virginia section, is, of course, entirely mine.

EDWARD A. MEARNS, Jr.,
University of Virginia School of Law,
Charlottesville, Va.

AUGUST 1, 1962.

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Part 4. Virginia

Introduction

This is a report on the process of desegregation in Virginia public schools. The study shows that in questions of equal protection there are many Virginias, not just one. Therefore, the bulk of this report consists of studies of particular communities and their individual experience with desegregating schools. Each of these localities has established a different pattern; each with its different attitudes, has reacted in a different way to the events pressing it to open its white schools to Negro pupils. An attempt has been made to identify the principal and characteristic consideration shaping desegregation in each community to make the complicated school issues more manageable. It is hoped that by pointing up what is characteristic, a handle may be found for the solution of problems.

All of the communities chosen for study have seen some desegregation of their schools; they have this and little else in common. Northern Virginia—Arlington, Alexandria, Fairfax, and Falls Church—is a densely populated area with proportionately few Negro residents. It was selected because of its greater capacity to accept desegregation. Norfolk, Virginia's largest city, was chosen for its size, its considerable Negro population, its large naval installation, and the large number of persons living there who are directly or indirectly serving the Federal Government. This combination gives it the quality of being big, southern, and yet less Virginian than most of the areas studied. Richmond, now a poor second to Norfolk in size and very "Virginia," possesses a large Negro population, as well as attitudes contrasting sharply with the places already mentioned. Charlottesville, home of the University of Virgina, cosmopolitan in outlook, with an average Virginia ratio of Negroes to whites, and Warren County, smaller and less sophisticated, with a modest-sized Negro citizenry, conclude the list. The group provides a fair sample of Virginia desegregation problems, and serves also to emphasize the variety and the uniqueness of the local patterns that have developed from the necessity of implementing the *School Segregation Cases.*

Preceding these community studies is a section which describes the Virginia legal machinery provided for bringing about—but which for the most part is holding back—desegregation. In this section, pupil placement, tuition grant, compulsory school attendance and other school laws are described briefly. The final section of the report is a summary and analysis of equal protection in Virginia public education. The concern here is with the pace at which desegregation has been taking place. It is also the occasion for discussing the quality of Negro education in the State, with the emphasis on the recognized gap existing between the academic achievement levels of Negro and white students. This gap receives attention throughout the report because it raises a major equal protection issue. The education provided in Negro schools in Virginia is inferior. Since inferior education itself is a denial of equal protection, when that inferiority exists in segregated schools the deprivation to Negro children is twofold.

In Virginia, where there has been so much litigation, legislation, and other activity over school desegregation, there is much that a report such as this can only suggest. There is much that must be left out entirely. For example, none of the school districts reported on is located in Virginia's southside. This area, for the most part rural, with the State's heaviest concentration of Negroes, should be the subject of a future study. But so little desegregation has taken place in Southside, that it would add little to a report concerned with the desegregation process.

The most obvious omission is Prince Edward County. As one of the original school districts ordered to desegregate by the U.S. Supreme Court in *Brown* v. *Board of Education*,[1] it has seen enough activity, and, as surely, enough litigation to warrant a separate study. In September 1959, it closed its public schools to avoid admitting Negro pupils to its white schools. Its schools were still closed in the school year 1961–62. Moreover, its county board of supervisors has not appropriated funds for schools for the year 1962–63.[2] However, on July 25, 1962, Prince Edward's school board was ordered to submit a plan to the Federal court by September 7, 1962, which will effect the opening of its schools.[3] At present, no one knows what will happen in Prince Edward; any conclusions ventured about this school district at this time have little chance of surviving imminent events.

The omission of Prince Edward serves to point up that this report does not attempt to represent the Virginia desegregation process as a single, simple process. There are too many different Virginias for this—rural and urban, large and small, northern Virginia, and, of course, Southside.

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[1] 347 U.S. 483 (1954), 1 *Race Rel. L. Rep.* 5 (1956); 349 U.S. 294 (1955), 1 *Race Rel. L. Rep.* 11 (1956).

[2] So. School News, July 1962, p. 1.

[3] *Allen* v. *Prince Edward County*, Civ. No. 133, E.D. Va., July 26, 1962.

Legislative Background

On January 19, 1959, the Virginia Supreme Court of Appeals at Richmond and a special three-judge Federal District Court at Norfolk struck down key statutes in Virginia's massive resistance legislation.[4] Following the decisions in these cases, the Virginia General Assembly enacted a group of statutes designed to minimize the impact of desegregation, which was to come as a result of the overturning of these laws. During this 1959 extraordinary session of the general assembly, Virginia amended its pupil placement and tuition grant laws, and enacted statutes which dealt with compulsory school attendance and gave indirect aid to private schools, in order to effect the shift from massive resistance to freedom of choice in education.

PUPIL PLACEMENT

In 1956 Virginia passed a State pupil placement act, divesting local school officials of their authority to assign children to specific schools and placed that authority in the hands of the State pupil placement board.[5] The act was amended in 1958,[6] and again in 1959.[7] Under this act, as it presently stands, the criteria which guide the State pupil placement board in assigning pupils are as follows:[8] (1) Orderly administration of the public schools; (2) Competent instruction of the pupils enrolled; and (3) Health, safety, education and general welfare of such pupils.

Until August 1960, the State board assigned all Negro pupils to Negro schools and all white pupils to white schools. The one exception to this practice occurred on October 22, 1959, when Judge Walter Hoffman ordered the board to assign four Negroes to white schools in Norfolk.[9] Thus, prior to August 1960, all assignments of Negroes to white schools in Virginia resulted from court orders.

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[4] *Harrison* v. *Day*, 106 S.E. 2d 636 (Va. 1959), 4 *Race Rel. L. Rep.* 65 (1959); *James* v. *Almond*, 170 F. Supp. 331 (E.D. Va. 1959), 4 *Race Rel. L. Rep.* 45 (1959).

[5] Va. Acts 1956, Ex. Sess., ch. 70, p. 74.

[6] Va. Acts 1958, ch. 500, p. 638.

[7] Va. Acts 1959, Ex. Sess., ch. 71, p. 165.

[8] Va. Code (Supp. 1962), sec. 22-232.5.

[9] *Beckett* v. *School Board of City of Norfolk, Virginia*, 185 F. Supp. 459 (E.D. Va. 1959), 5 *Race Rel. L. Rep.* 404 (1960).

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Following the appointment of three new members to the State pupil placement board, the original members having resigned in protest against the State's freedom of choice policy, the first voluntary assignments of Negroes were made. The board began by relying on residence, a criterion not expressly set forth in the applicable statute. It appears that the board will only admit Negroes to white schools if they live closer to the white school to which they have applied than any Negro school. There is an element of discrimination in the board's use of this residence criterion, as white children are automatically assigned to white schools, even though they may live nearer to Negro schools. Such a practice, although perhaps appropriate in a period of transition, cannot hope to survive once full compliance with the *School Segregation Cases* is required in the State.

Under the State's new policy of freedom of choice, which became effective on March 1, 1960, an option is permitted Virginia communities to remain under the State pupil placement board's jurisdiction or, instead, to handle pupil assignments locally.[10] To operate under local option, it is required that the governing body of the locality duly adopt an ordinance making this election upon the recommendation of the local school board.[11] However, before local option could be implemented, the State board of education was required by the statute to adopt criteria to guide local boards. This was not done until February 3, 1961.[12] Therefore, although the act was to become effective March 1, 1960, all assignments for the 1960–61 school year continued to be made by the State board.

The criteria adopted by the State board of education are as follows:[13]

(1) Academic achievement and aptitude;
(2) Availability and locality of facilities and instructional personnel;
(3) Potential effect of the specific placement of a student upon his own educational progress and that of others in the same grade;
(4) Restriction of disruptions to educational system by avoidance of unnecessary reassignment of pupils;
(5) Validity of reason given by parents for particular placement request.

Of the communities covered in this report, Arlington, Fairfax, and Falls Church have exercised the option to reassume local control over pupil assignment. The general pattern developing in these places also stresses geography or residence rather than the specific criteria set out by the State board of education.

Finally, there are the communities which do not operate according to the State pupil placement criteria, nor the criteria of the State board of education. These school districts assign pupils under the

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[10] Va. Code (Supp. 1962), secs. 22–232.18—22–232.31.
[11] Va. Code (Supp. 1962), sec. 22–232.30.
[12] So. School News, Mar. 1961, p. 13.
[13] *Ibid.*

scrutiny of the Federal courts or in accordance with the Federal court-approved placement plans. In this report, these communities are represented by Charlottesville, Norfolk, and Warren County.

TUITION GRANTS

In 1959, when Virginia shifted its policy to freedom of choice, the original tuition grant laws were repealed and replaced by laws making no reference to desegregation.[14] The former grants were available in the event schools in an area were desegregated, and could be used only by children attending private, nonsectarian schools. The new "State and Local Scholarships," as they are called officially, are available to any student who attends an accredited nonsectarian private school located anywhere, or a public school outside the student's own school district. Selection of the school is left to the parents, who need not justify their selection or give reasons for not wishing to send a child to the public school in their district.

The State pays $125 toward the grant for each eligible elementary school child and $150 for each high school child. The locality adds local money. The total amount of the grant is the lowest of three sums:

(1) The actual amount of the tuition charged by the school the child is attending.

(2) The per-pupil cost of operating schools in the locality making the grant.

(3) $250 for each elementary child, and $275 for each high school child.[15]

It is also required that every locality participate in the tuition-grant program. If a locality fails to put up its share, the State pays the full cost, and deducts the locality's share from some other payment to which the locality is entitled.[16]

The tuition-grant program has been in operation for 3 years; its actual use should be noted. Many children are using the grants to attend private schools although they live in communities with segregated schools. Instances are reported of students using grants to transfer from segregated schools to attend desegregated public schools in another district. As more parents discover the money is available without question, more requests for grants are being made. This has led to criticism of the grants program, particularly in urban areas, such as Norfolk and northern Virginia. The chief criticism is that the

[14] Va. Code (Supp. 1962), secs. 22-115.29—22-115.35.
[15] Va. Code (Supp. 1962), sec. 22-115.32.
[16] Va. Code (Supp. 1962), sec. 22-115.34.

grants are a drain on public school funds which diminish local support for public schools and tend to require tax increases. Argument is also heard that the grants are being abused and should be restricted to their original purpose—the purpose of permitting children to avoid desegregated schools. Defenders argue there is nothing in the act which says or implies that the scholarships should be used to avoid desegregation (its constitutional virtue). They contend that these illustrations of abuse are in accordance with the theory that the program truly be one of free choice.

In the 1961–62 school year, the total number of grants came to 8,371 at a cost to the State and local communities of $2,060,895. It should be mentioned that this year no students in Prince Edward County were receiving grants, as the Federal court foreclosed their use by the county's students while Prince Edward's public schools were closed. In the previous year, Prince Edward students had received 1,347 grants.

It is not likely that Virginia will shift from its current reliance on tuition grants. Nor is it likely that localities will be given the choice of whether or not to participate in the program. On February 8, 1962, a bill to permit localities to withdraw from the State tuition-grant program was killed by the house of delegate's education committee. The vote of the committee was unanimous.

A related group of statutes has been enacted which is also designed to advance the freedom of choice program by strengthening Virginia's nonsectarian private schools. These acts (1) permit local school boards to provide transportation for children attending these private schools;[17] (2) permit local governing bodies to allow tax credit for contributions to these schools (not to exceed 25 percent of the tax due);[18] (3) permit teachers to discharge their obligations to repay State board of education scholarships by teaching in private schools (previously, obligations had to be discharged in State public schools);[19] and (4) permit teachers in these private schools to participate in the State retirement system.[20]

COMPULSORY SCHOOL ATTENDANCE

On January 31, 1959, the Virginia General Assembly repealed the State compulsory school attendance law. In April of that year, a law was enacted permitting local governing bodies to adopt compulsory

[17] Va. Code (Supp. 1962), secs. 22–294.1—22–294.3.
[18] Va. Code (Supp. 1962), sec. 23–38.1.
[19] *Ibid.*
[20] Va. Code (Repl. Vol. 1958), sec. 51–111.38.1.

school laws on recommendation of their local school boards.[21] Thus far, 57 of Virginia's 131 school districts have adopted such ordinances, including Alexandria and Falls Church, and Arlington and Fairfax Counties. These ordinances, in the context of desegregation, can have only a limited effect—and that psychological—as school officials by law must excuse every child whose parent conscientiously objects to his attendance at a particular school.[22]

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[21] Va. Code (Supp. 1962), sec. 22-275.24.
[22] Va. Code (Supp. 1962), sec. 22-275.4.

Charlottesville

The city of Charlottesville lies in central Virginia. It has a population of 30,000, of which 5,561 are Negroes. Presently, the city is calm, there being no strong, vocal group pushing for or against school desegregation. In mid-1962, Charlottesville's chief concern was its need to expand its school facilities, particularly at the high school level. Its one white high school, Lane, already overcrowded, anticipates increases in enrollment from several sources; first, as a result of an annexation which becomes effective in January 1963; and, second, as a consequence of a court order which permits Negroes to transfer freely to Lane from the city's all-Negro high school. Finally, there is the future possibility that several hundred students will be seeking entry to Lane should Virginia's tuition grant program be discontinued, which would result in further aggravation of Charlottesville's present school problems.

BACKGROUND

Charlottesville, along with Norfolk and Warren County, went through the 1958 school-closing phase of Virginia's massive resistance policy. When massive resistance collapsed in January 1959, city school officials were under an order to admit Negro pupils to the white schools.[23] However, a one-semester stay of this order was granted.[24] It was September 1959 when Charlottesville's schools were finally opened on a desegregated basis. The city operates one predominantly white high school, Lane, and five white and one all-Negro elementary schools. It shares with the surrounding county of Albemarle the operation of one all-Negro high school, Burley. The assignment of pupils to Burley, whether they reside in the city or in Albemarle County, is the responsibility of the Charlottesville school superintendent.

In the 1961–62 school year, 35 Negro children were attending school with whites. Of these, 15 were at Lane High School, with its total

[23] *Allen* v. *School Board of City of Charlottesville,* Civ. No. 51, W.D. Va., Sept. 13, 1958, 3 *Race Rel. L. Rep.* 937 (1958).

[24] *School Board of City of Charlottesville* v. *Allen,* 263 F. 2d 295 (4th Cir. 1959), 4 *Race Rel. L. Rep.* 39 (1959).

enrollment of 1,035, and the other 20 were in Venable Elementary School with about 500 white children. Lane and Venable were the first, and remain the only, desegregated schools in Charlottesville.

PUPIL PLACEMENT, TUITION GRANTS, AND SCHOOL LAWS

Charlottesville operates under a local pupil placement plan approved by Federal District Judge John Paul, who has handled the city's school desegregation case from the beginning. Under this plan, the superintendent of public schools has the responsibility for assigning pupils at both the elementary and high school levels. For the purpose of assigning elementary school pupils, the city is divided into six districts. In the fall of 1961, the superintendent began the practice of initially assigning each elementary school pupil to the school serving his district, without regard to race. However, any student assigned to a school attended predominantly by those of another race was permitted to transfer to a school where his race was in a majority. Under this arrangement all 140 white students initially assigned to all-Negro Jefferson Elementary School were transferred to predominantly white schools. Some 40 Negroes living in white school districts elected to be transferred to Jefferson. The remaining few Negro children live in the Venable school zone and attend that school. On December 18, 1961, Judge Paul approved this procedure, including the free-transfer provision for students in a minority at the schools where they are initially assigned.[25]

At the high school level, Charlottesville has begun a new practice for assigning its pupils. Before Judge Paul's order in December 1961, all white students had been assigned to Lane and all Negro students had been assigned to all-Negro Burley High School. To transfer to Lane, a Negro pupil had to satisfy both a residence and an academic requirement. Under the academic criterion, the superintendent approved transfers if the academic aptitude and scholastic achievement of the Negro applicant indicated that he would do adequate work in comparison to the white pupils' performance in the grade to which he was applying. In his order, Judge Paul eliminated both the residence and academic criteria. As a result of this order, in the fall of 1962, every high school student in Charlottesville, white or Negro, may elect to attend either Lane or Burley, his assignment ultimately depending solely on his own preference. Prior to the close of the 1961–62 school year, school officials undertook to

[25] *Allen* v. *School Board of City of Charlottesville*, 203 F. Supp. 225 (W.D. Va. 1961), 6 *Race Rel. Rep.* 1011 (1961).

ascertain students' preferences. Though the assignment procedure for the year 1962–63 has not been completed, it appears that there will be 33 Negroes attending Lane in the fall. Fourteen of these will be students who attended there the previous year.

In the 1961–62 school year, first installment payments of tuition grants ran to 628 in number. Some 133 of the tuition grantees were attending 14 traditional private schools. The single largest group of these grants went to pupils at the Belfield school, a well-established local elementary school with tuition substantially in excess of the grant awarded. Belfield's enrollment is composed principally of children who would probably attend private school even were there no tuition grants available, however. Admittedly, the availability of these scholarships is crucial to certain of the Belfield parents. The other 495 grants were awarded the parents of children going to Robert E. Lee School (elementary) and Rock Hill Academy (high school), two post-desegregation private schools in the city. Both are sponsored by the Charlottesville Educational Foundation (CEF) whose primary aim is to provide education for those children who refuse to attend the desegregated Venable or Lane public schools.

With the desegregation situation cooler than it has been, there has been some disenchantment with the CEF fare, especially at the high school level. The combined enrollment of the 2 schools is down more than 100 from a high of 637 reported in October 1960, while the overall school population of Charlottesville has been steadily climbing. The CEF schools are clearly faced with typical new school problems, particularly the need to conduct a quiet recruiting campaign, but they will probably continue to operate as long as tuition grants last.

Unlike the communities of northern Virginia, in Charlottesville there is no strong sentiment against the tuition-grant program. Some grumbling is heard, protesting the drain on funds needed for public education and criticizing the windfall to those whose children had always attended private schools—a windfall of increasing expense to the community. These complaints are quite weak and disorganized, except for those of the League of Women Voters. Generally, the attitude is that the CEF schools, and therefore the tuition grants, are a safety valve that Charlottesville is able and willing to afford. This is not surprising. The Charlottesville Daily Progress, for example, has strongly supported the grant program on the principle of "free choice in education," quite apart from the program's utility as a safety valve.

As a final matter in regard to school laws, Charlottesville's city council has not yet adopted a compulsory school attendance law. There has been no noticeable effect on the school dropout rate.

NEGRO EDUCATION

Desegregation in the public schools has been slight, consisting of 35 Negroes attending two biracial schools. To date there have been no major incidents involving the Negroes attending Lane and Venable. Academically, these Negro students have ranged from the top to the bottom of their classes. It is to be expected that under the new assignment policies which have abandoned any academic criterion there will be a larger but less well-selected group of Negroes competing with the generally better prepared white students at the high school level. In this situation poorer performance and more failures in the Negro group should be expected.

In the desegregated schools, lunchrooms, assemblies, school-sponsored clubs, and the high school band have been integrated. Lane no longer runs school dances or other social activities, these being banned by the superintendent. Athletic teams at Lane, so far, have not been integrated, and there has been no strong pressure to do so. The "right" athlete has not yet appeared. For the moment no one wishes to give up interscholastic competition in a sport that would be affected. Sooner or later it will come, and by that time more public schools in Virginia will be desegregated and Lane will be able to find opponents for its schedule. Should events follow this pattern, no crisis is expected.

The physical facilities in both Burley and Jefferson are modern and good. Nonetheless, the Negro parents in the community believe that Jefferson is overcrowded. The school has 895 pupils, which is the largest number attending any grade school. It is roughly 300 more than the next largest enrollment in any school in the city's elementary system. However, according to the State department of education the school has a pupil capacity of 990. This figure is based on an average of 30 pupils per classroom, and Jefferson has 33 classrooms. If not overcrowded, it seems clear that earlier expansion of Jefferson's facilities on its present site are a result of predesegregation efforts to keep all the city's Negroes in one school. The Negro parents, in complaining about overcrowding, are in reality upset over past segregationist attitudes that permitted a Negro elementary school to reach a capacity of 1,000, while optimum enrollment for white elementary schools was considered to be several hundred pupils less.

The Negro teachers enjoy the respect and confidence of the Negro community. They are mostly products of the Virginia segregated school system, and for this reason lack the cultural breadth that comes from contacts, particularly educational contacts, with whites. Their

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previous educational experience is now being repeated in Charlottesville. For in Charlottesville, as in the rest of Virginia, there is a substantial gap which exists between the academic aptitude and achievement of white and Negro students. At the seventh-grade level, it has been estimated that only the upper 15 percent of the Negroes stand in an academic range with the upper 50 percent of the white students. This gap is recognized openly by Charlottesville educators, though little has been done to close it. Some gains in this connection are seen in integrated teachers meetings which are held on a citywide basis. There is also a small-scale summer program conducted by school authorities for culturally deprived youngsters, mostly Negro. In the formal sense, this is all.

One bright spot is the work being done at Jefferson school by the Negro teachers, guided by their energetic principal. On the assumption that the gap already exists in the preschool child, work with entering first-graders this fall will begin a month before school formally opens. This is to help ready them for what is to come in their important first year. On the further assumption that the Negro child's range of cultural experience must be broadened to give meaning to what he learns in school, Jefferson has mapped out a program of class tours and visits for each grade. For example, first-graders take a train ride to and from a nearby town, something new for the typical Negro child. Fourth-graders studying Virginia history see Thomas Jefferson's Monticello. A bus trip for sixth-graders to Washington, D.C., and one to Williamsburg for pupils in the seventh grade are also part of the program. A drawback to this program is that the rides and visits are financed by parents, some of whom are in no position to bear this extra expense. The cost of this program could justifiably find its way into the city's school budget.

Jefferson school is making a small but conscious effort to improve Negro education, even though segregated. Modest gains are seen in comparing reading test scores in 1951 with recent scores. Where formerly the average seventh-grade pupil was reading at the 5-year-7-month level, in recent tests this same average reader at Jefferson has been knocking at the 7-year mark. The Negro teachers, as a result of their greater efforts, seem to be achieving better results than many of their counterparts around the State.

SPECIAL PROBLEMS

Charlottesville faces immediate as well as long-range problems connected with public school desegregation. The most immediate, though not the most serious, problem involves future registrations at Lane

High School. The pressing fact is that Lane is presently operating beyond its capacity and faces increases in enrollment from several sources. Natural increases in population is one. Then, too, many more pupils will soon live in the city school district as a result of the annexation of residential areas now part of surrounding Albemarle County. The annexation becomes effective in January 1963. As time passes, another source will be Negroes who prefer biracial Lane's college-entrance curriculum over all-Negro Burley's nondemanding course of study. In addition, there is the danger that should Virginia's tuition-grant program be invalidated, 300 high school pupils attending the postdesegregation private school would be forced to seek admission.

In short, Charlottesville needs a new high school. Recent studies have recommended new high school construction. The sites most often suggested are in or near the new annexation zone, north and west of the city. A school built there would soon become an all-white institution as a result of the exclusively white character of this residential area. This location, however, is justified as it lies in the path of Charlottesville's normal expansion.

Less immediate, yet serious, is the problem of the present districting arrangement at the elementary school level which results in virtually all Negroes being assigned to Jefferson. By using geographical zones as a basic feature in its assignment plan, Charlottesville is assured that desegregation will not get beyond the token level. Having attended an all-Negro school for 7 years, few of Jefferson's future graduates will feel sufficiently well prepared to seek admission to Lane. Though this arrangement may be appropriate during a period of transition toward full compliance with the *School Segregation Cases*, it will not survive such a period. Soon, Negro parents will probably request relief in the form of redistricting. Specifically, they will seek the contraction of Jefferson's school boundaries in order to add several blocks of predominantly Negro housing to neighboring white school districts. If such relief were granted, the effect would be to relieve Jefferson of enrollment pressures and also to increase the number of Negroes attending biracial schools. There are no indications that a request for redistricting is imminent. However the need for this rezoning in the not too distant future seems obvious.

CONCLUSION

Charlottesville's temperament is such that it can accept more desegregation than has taken place in its public schools. This is perhaps attributable to its being a university town. It has already quietly

desegregated its larger lunch counters, although desegregation of most public facilities, public gatherings, and movie theaters has not taken place. Employment opportunities for Negroes are not good, and relatively scarce compared to opportunities in the larger cities. The pace of desegregation in the schools is not likely to speed up or slow down. Race issues for the present are not central in local thinking.

The newspaper has not played up Negro transfers to white schools recently, nor is it likely to. This helps to prevent any vigorous anti-desegregation efforts from building up. On the other hand, the Negro community has few strong leaders pushing for desegregation. It numbers few professionals other than teachers; there are no lawyers and only two doctors in the city. The Negro teachers are the only source of leadership, and while belonging to the NAACP, they have not been particularly active. These teachers have a healthy, secure relationship with local school officials. This relationship represents one of the few communication links between the city's white and Negro communities. Neither great hostility nor great understanding characterizes the Negro-white relationship in Charlottesville.

Norfolk

In respect to the problems of school desegregation, Norfolk has shown itself to be more forward looking, more flexible, and less self-conscious than its Virginia brethren. It has made determined and successful efforts to head off difficulties. Having survived its school-closing crisis in the fall of 1958, it now faces the future with considerable confidence in its ability to handle "come what may." Yet Norfolk is suffering from a lack of communication with, and understanding of, its Negro community. The result is an insensitivity to certain evidences of inequality in the education of its Negros. Further, its substantial renewal and redevelopment program has real possibilities of producing future racial difficulties in the form of the segregated residential areas it may create.

BACKGROUND

Norfolk, with its 305,000 population, is Virginia's largest city. It has been estimated that 80,000 of its people are Navy, serve the Navy, or are employed by other people who do. In the 1961–62 school year, 34,893 white and 18,394 Negro pupils attended a total of 65 schools in the Norfolk system. Its 24 all-Negro schools include 19 elementary, 4 junior, and 1 senior high schools, Booker T. Washington. Both white and Negro schools are overcrowded, and Norfolk dispenses considerable part-time education with a number of schools operating on double shifts.

Norfolk's schoolchildren were among the big losers in Virginia's struggle to maintain its policy of massive resistance. Literally thousands of students during the fall term in 1958 received makeshift schooling or none when their desegregated schools were closed by Governor Almond. But, after State and Federal court rulings invalidated the school-closing laws, Norfolk's schools reopened on a desegregated basis February 2, 1959. The reopening of these public schools occurred without incident. This fact is characteristic of the way Norfolk has faced all its desegregation problems. This is not to say that tremendous pressures were not felt during the crisis period.

The moderate and enlightened members of the Norfolk school board were subject to very severe pressures when it became apparent that massive resistance was reaching the showdown stage both here and in Charlottesville. The board, having taken the position before Judge Walter Hoffman that would place a handful of Negroes in all-white schools, immediately found itself caught between the conflicting demands of Federal and State laws. To its credit, the board consistently exerted itself to keep its schools open.

It is important to recognize that the board was backed throughout the crisis by an influential segment of the business community. One hundred business leaders at one crucial stage asserted publicly their support of the school board's decision to admit the first 17 Negroes to white schools, if the alternative meant closed schools. This group and others, as much for economic reasons as anything else, have worked to maintain Norfolk's image as a law-abiding community, free of serious race disturbance, with an attractive future for commercial interests.

Norfolk's record is one that speaks of a readiness to accept some modest changes. The city has quietly desegregated its buses, parks, golf courses, and many of its lunch counters. Negroes are employed on the police force, although not in the fire department. In comparison to what the community has accepted in these other areas, school desegregation has moved slowly. Norfolk, in 1961–62, had only 50 Negroes attending classes with white pupils in its 8 biracial schools. This accomplishment is to be viewed in the light of a Negro school population of over 18,000 and the period of 3 years since the first Negro was admitted to a white school.

The city is undergoing a facelifting as a result of extensive slum clearance, redevelopment, and renewal activity, all of which indicate the farsightedness of its city manager and city council. The officials, with a sound economic eye, are consciously ushering in a period of better times for Norfolk's citizens. This should include better employment prospects and corresponding educational benefits for Norfolk's Negroes. The people in Norfolk consider their school-closing period to have been the critical one. They feel the crisis is past.

PUPIL PLACEMENT, TUITION GRANTS, AND SCHOOL LAWS

Norfolk's system of pupil assignment is different from any in the State. Placement is a cooperative venture in which the school superintendent, school board, and Judge Walter Hoffman have shared. In a sense, Norfolk is under the State pupil placement board, as it has never ex-

ercised its option to withdraw from the State board's control. However, in a practical sense, the Norfolk School Board is uniquely situated in that the district court, in December 1959, ordered it to disregard the decisions of the State pupil placement board.[26] The members of the State board had also, prior to this time, been ordered to place four Negroes in predominantly white Norfolk schools.[27] These two orders by Judge Hoffman have impressed those involved, so that it has become routine for the school board, on the advice of the superintendent, to make assignment recommendations that are invariably followed by the State board. Now, the school board simply announces to the State board that, unless it hears to the contrary, it will proceed on its own recommendations. Moreover, the district judge has strongly urged the local board's reconsideration of certain applications with the result that certain Negroes have been assigned to the schools for which they applied.

Assignment decisions are based on 10 criteria, which had been used for some years, but which were presented to the district court in precise form on July 17, 1958.[28] Only three of these assignment criteria are significant, these being the *residence* of the applicant, and his *academic achievement* and *mental ability* as compared to the achievement level and mental ability of pupils within the school to which he is applying. Achievement scores are derived from an elaborate series of tests. An overall standard also applied is the applicant's "ability to adjust" in the school he has selected.

The mechanics of assignment in Norfolk start with a "preschool roundup" for all children entering the first grade. Local newspapers publish the date of the "roundup" and the request that parents bring children to their "neighborhood school." No maps indicating the proper school for each child are published. Instead, custom, tradition, and common knowledge are relied on to get children where they belong. The school officials have a map, which they themselves use, showing school zones, but this has not been published since about 1956. If a child appears at the wrong school, he is directed to the one usually attended by children of his race who live in his neighborhood. This applies to white children who appear at the wrong white school, Negroes at the wrong Negro school, and all Negroes who appear at a white school.

If a Negro child in this last category wishes to attend a white elementary school, he must first show he lives nearer to the white than the Negro school. Failing in this, his request for admission

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[26] *Beckett* v. *School Board of City of Norfolk, Virginia*, 185 F. Supp. 459 (E.D. Va. 1959), 5 *Race Rel. L. Rep.* 1062 (1960).

[27] *Beckett* v. *School Board of City of Norfolk, Virginia*, Civ. No. 2214, E.D. Va., Oct. 23, 1959, 5 *Race Rel. L. Rep.* 407, 411 (1959).

[28] 3 *Race Rel. L. Rep.* 942 (1958).

will be denied. If he does live closer to the white school, his achievement scores from the preschool test and his mental ability are then examined. Admission to the white school follows when his score and his mental ability are sufficiently high to satisfy school officials that he will adjust well and compete favorably with white students already assigned. The standard used is neither precise nor rigidly fixed. White pupils, under the same circumstances, will be assigned solely on the basis of residence. Though they are given the same tests, the scores achieved by white children are not determinative of their school placement.

Promotions to another school in the Norfolk system work on a "feeder" system. Each elementary school "feeds" its sixth-graders to a particular junior high, while each junior high school automatically sends its graduates to a specific high school. Under this system, Negro elementary schools "feed" Negro junior highs, and all the Negro junior highs "feed" Booker T. Washington. The same pattern operates for the white schools. Unless a Negro who has started in a Negro school applies for a transfer somewhere along the line, he will remain in Negro schools till he leaves the public school system. By the same token, however, a Negro attending a biracial school will automatically be promoted with his classmates to a white junior or senior high school.

All children being promoted to either junior or senior high school are tested at this time and technically are assigned to their new schools. Both Negro and white test scores are viewed, though they may be put to different use. For instance, a Negro seeking to shift from a Negro elementary to a white junior high school, after showing he resides closer to the latter, would have his score used in the manner described for elementary school assignment. A white pupil has his test score examined solely to determine whether it is so low that he should be assigned to a "special" school. Transfers in Norfolk are treated almost like assignments, with a new test being administered to the applicant at this time. In effect, all assignment procedures, whether placement, promotion, or transfer, are handled in the same fashion. Owing to the manner in which the Negro tests are used, these procedures are plainly discriminatory.

Both the Federal district court and court of appeals have recognized the discriminatory aspects of the pupil assignment operation but are expressly tolerating its continuance during this interim or transitional state in Norfolk's school desegregation.[29] The Fourth Circuit has also asked that school officials submit a time schedule showing when desegregation will reach full compliance with the

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[29] *Supra*, note 26, and *infra*, note 30.

School Segregation Cases.[30] No schedule has yet been produced. In remarks to Negro counsel requesting the abandonment of testing, Judge Hoffman has suggested that the goal may be 4 or 5 years away, at which time the sole criterion for placement will be geography. Perhaps, in this regard, an appropriate step available right now would be to require school officials to publish their present map showing the location of schools and the residential districts they serve for the information of those planning enrollment or contemplating transfers.

The State's policy of providing tuition scholarships for Virginia students is not a crucial item in the Norfolk school picture. Neither the number of persons receiving tuition grants nor the attitude of the community would create a serious problem if the grants were discontinued. Though the more than 1,000 grants are a large percentage of the Virginia total, this is a small figure when compared to the Norfolk school population of 53,000. If all these scholarship holders were to return to the public schools which they would normally attend, it would not cause a disruption of the system. Then, too, they would not all return. Many pupils would continue to attend the well-established, predesegregation private schools, such as Norfolk Academy, which they attend for reasons quite apart from feelings about desegregation or the availability of tuition grants. Only about 175 students receiving grants attend Tidewater Academy, a school established during the period when public schools were closed, but maintained in order to serve children not wishing to attend a desegregated school. Tidewater Academy is experiencing hard times and will most likely shut down should the grant program fail; that is, if the weight of its other problems does not cause it to close sooner.

The general feeling in the city is that Norfolk can do without tuition grants. They are deemed an unnecessary expense using funds capable of better use elsewhere. Added to this is the resentment many evince toward well-to-do parents receiving grants—parents who have shown themselves quite able financially to patronize private schools. Moreover, it was the Norfolk delegation to the general assembly which introduced the bill which would have granted communities the local option of withdrawing from the State tuition-grant program. The bill was unanimously defeated in committee. This vain effort, however, supports the opinion that, on the whole, people in the city would not suffer if tuition grants were abolished.

Norfolk has not enacted a compulsory school attendance ordinance. Though school officials have no precise data on school dropouts, they

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[30] *Hill* v. *School Board of City of Norfolk*, 282 F. 2d 478 (4th Cir. 1960), 5 *Race Rel. L. Rep.* 1062 (1960).

guess that being without such a law has had little effect on the dropout phenomenon. If there has been no increase in the rate of students quitting school, it does seem that the individual who once would have continued attending till 16 is now dropping out at an earlier age. Earlier dropouts, then, rather than more dropouts, appear to be the situation. Norfolk's parents and children have experienced closed schools, and therefore greatly appreciate educational values. This in part accounts for the fact that no significant dropout problem has been created.

NEGRO EDUCATION

The Negro in Norfolk is better educated, housed, and employed and more articulate and aware than most Virginia Negroes, at least those living outside of northern Virginia. However, the achievement gap between white and Negro pupils is every bit as noticeable here as elsewhere. The Norfolk Negro child is below grade level, whether the comparison is made with national or Norfolk standards. Therefore, the kind of education afforded the Negro in biracial, as well as in all-Negro schools, deserves a look. First, there are no programs to aid the Negroes who have entered predominantly white schools to make an adjustment to this new educational experience. Nonetheless, most of these Negroes have been doing satisfactory work in the class entered, no doubt owing to their having been carefully selected on the basis of achievement test scores and mental ability. As time has passed, less selectivity has been made in regard to Negro applicants so that their performance as a group may, in the future, be less satisfactory.

In the desegregated schools, Negroes eat in the same lunchrooms and attend assemblies with the white children. All school-sponsored activities are open to them. On this score, there has been misunderstanding, for, for while school officials firmly state that the high school French Club, for example, is open to all, Negro parents just as firmly declare the belief that their children cannot become members. On the high school sports scene, Norfolk has had its most dramatic desegregation exhibit. A Negro halfback named Heidelberg, with his well-publicized heroics, did more to make desegregation at Norview High School something real for its students than did all the litigation and publicity over his original admission to school. Norfolk Catholic High, with its completely desegregated program, including sports and social activities, is a reminder that desegregation need not be attended by great stresses and strains.

In respect to education of the Negro at Negro schools, the Negro teachers have more bachelor's degrees, more graduate degrees, and

more professional experience than their white colleagues. It is doubtful that this outweighs the intangible deficiencies of their own limited educational experience. In common with most southern communities, few of Norfolk's Negro teachers have received any education in other than all-Negro colleges. There are no programs in the system aimed specifically at overcoming this weakness. To be sure, there are "integrated teacher workshops," but so far the Negroes have not been very active participants in these. There is no sign that these teachers are even willing to recognize the existence of the so-called gap, or admit that they can do much to narrow it. As a result, they too often continue in past habits of assigning little or no work, and of accepting uncritically, obviously poor performances on the parts of their students. Support for this conclusion is the strikingly uniform reaction of Negro pupils entering desegregated schools for the first time. They have never been asked to do so much, nor have they been where so much was expected of them. The pace, the workload which has placed such demands on them, is accepted as normal by their white classmates. This facet of the gap-closing problem is known to both white and Negro educators in Norfolk and the responsibility for making any corrective effort should be equally shared.

The physical plant in the Negro and white schools varies widely from very good to very bad, depending chiefly on the age and general character of the neighborhood in which the school is located. The newer of the elementary schools for Negroes have tended to be rather small. The older and poorer facilities are typified by Booker T. Washington High School, the only Negro high school in the city, described by more than one Negro parent as a "horror." There is no doubt that the motivation of many parents seeking transfers to white high schools in Norfolk is to get their children out of Booker T. Washington, rather than any crusading spirit which is attributed to them. One is entitled to ask whether transfers from Norfolk's Negro high school could not be justified on the *Plessy* v. *Ferguson*,[31] separate but equal doctrine, without enlisting the aid of the *School Segregation Cases*.

SPECIAL PROBLEMS

Norfolk's school problems are complicated by an unusual lack of communication between the members of its white and Negro communities. This is strange, for one reason, because being a large city it has a fair number of Negroes of professional status and other leaders who should

[31] 163 U.S. 537 (1896).

be able to keep in touch with their white counterparts. For another, its school problems have generated less real heat than evidenced in other southern cities. Yet a comparison of white and Negro views on several important subjects related to public education shows a great disparity as to what the facts are. Already mentioned is the conflict over whether the French Club is open to Negroes. The whites say "Yes!"; the Negroes say "No!" The whites say the Negroes' schools and teachers are good; the Negroes believe both are relatively poor. The whites believe that they have tried to bring the Negro along, but that the Negro doesn't really want to improve and refuses to help himself; the Negro believes that all his efforts to get up have been thwarted by white refusals to help his progress. The whites state that inflammatory incidents and Negro criticisms of school policies are largely manufactured by prestige seekers in the Negro community; Negroes believe that whenever they have a valid "complaint" white officials turn a deaf ear and refuse thoughtful consideration of Negro problems. When views get this far apart, it must be because one or both sides have faulty information and there is no real factual basis on which to operate.

Perhaps one specific example will point up the difficulty. Negro parents recently appeared at a P.T.A. meeting, complaining to school officials that their children were not permitted to bring their textbooks home with them evenings. The thought was that Negro schools were not being provided with sufficient textbooks because of neglect for Negro interests or economies sought to be achieved at their children's expense. White school officials labeled this a "manufactured" incident, basing their view on the fact that Negro principals had never requested additional books and would have immediately received them had the need been known. Each side attributed fault and improper motives to the other, but this served only to cloud the real issue. First, school officials were not consciously keeping books out of circulation, nor was it a system policy that Negro children could not take their books home. Second, this was not a manufactured crisis produced to embarrass the superintendent of schools. There was a misunderstanding on both sides. Though the Negro parents were hasty to ascribe bad faith to school officials, the superintendent could have checked to find what was wrong and corrected it. The answer should have been to provide additional texts if needed, and then require the Negro teachers to assign homework and see the books were put to use.

Naturally, the belief that schools and teachers are fine, that Negroes do not seriously wish to help themselves, and that all Negro complaints are manufactured contributes to the feelings of complacency on the part of school officials. These attitudes are in conflict with the serious, though quiet, feelings of dissatisfaction that Negroes share.

Some communication links must be established if objective appraisals of future school problems are to be made. There should be Negro membership on city planning committees. A beginning in the right direction would include putting a Negro on the Norfolk school board.

To bolster their move to bring about greater desegregation of Norfolk's schools, Negroes have consistently relied on two principal arguments. One is that schools and school facilities for Negroes are poor, and that they are therefore entitled to at least equality in school buildings and equipment. The other is that residence should be the sole basis for assigning pupils to public schools. The thrust here is that the school nearest a Negro should be made available, rather than to require him to walk past a white school on the way to his own. Recent developments are revealing the capacity of these two arguments to cut both ways.

Two factors are silencing these arguments and contributing to the gradual turnabout taking place. First, Norfolk is divided by numerous bays, inlets, creeks, and rivers, while at the same time being crisscrossed by countless large, busy highways, major thoroughfares, traffic arteries, and railroads. Combined, these natural and manmade hazards easily provide an imaginative planner with opportunities to develop segregated residential and school patterns. This factor is coupled with a second, which is that Norfolk, its city manager and city council have their sights set on prosperity. They are busy clearing slums, redeveloping areas, building low-cost housing, and doing everything generally associated with the phrase "urban renewal."

They are also building schools. Here's the rub. Many of the schools recently built or planned for the near future are small, three and four-room primary schools to provide education for grades one through three or four. They are designed to serve very small neighborhood communities, and are located so children in those communities will typically be closer to them than any other school. At one point, the city council was considering a proposal for the construction of 68 of these tiny schools. Negro leaders only half-jokingly say that in Norfolk every Negro child will soon have a school in his own backyard.

Their chief complaint is four-room Coronado, a Negro elementary school which sits directly on the perimeter of a Negro neighborhood, across the street and facing a white residential area. Coronado effectively acts as a buffer for the white zone, as Coronado is necessarily closer to any Negro child living in the area directly behind it than the nearest white school. Another tense issue is the planned expansion of the relatively new Rosemont school. The plan is to make this Negro junior high into a combined junior and senior high school. Negroes see this as a move to prevent increased desegregation of nearby Norview High School, which is already biracial. The Rosemont area is

fast growing, but is virtually all Negro. Also distressing from the Negro viewpoint is the presence of a wide highway which separates the Rosemont and Norview sections of the city.

In answer to Negro criticism of their school construction and school location plans, the city fathers claim the chief criterion for deciding where to locate schools is population. Race, it is said, has not been a consideration. "Good schools, where they are needed" is the announced standard. However, the side effect of the city's renewal and redevelopment program has been to reinforce the trend toward school-building in Negro-concentrated residential areas. A new school surrounded by fine playgrounds is centered in every new low-cost housing project. If the project houses Negroes, the school naturally becomes another all-Negro school. These projects are attractive and well-cared for. They are a testimonial to Norfolk's desire to solve its problems, serve its Negro citizens, and look to the future.

CONCLUSION

But what does all this school construction and redevelopment activity mean for Negro education, particularly the desegregated kind? By using natural and manmade barriers, by building numerous small elementary schools, and by creating segregated residential areas complete with schools attached, Norfolk is clearly developing its capacity to contain desegregation. At the same time, it serves its Negro citizens a solid fare of good houses and good schools—at least as far as more tangible educational factors are concerned. All of this is to the good. These new houses and schools, by satisfying Negro desires, also dull the desire to push for desegregation, thus eliminating Negro support for their spokesmen. This desire gone, there is the danger that the intangibles of Negro education may then be neglected.

In the good will and good works clearly visible, Norfolk has been satisfying the claims of the present at the expense of the claims of the future. While apparently smoothly handling its school desegregation problems, it has been storing up long-range difficulties by its creation of new segregated residential areas. Norfolk's legacy to its future citizens appears to be a wealth of northern, big-city type segregation problems.

Richmond

In 1950 Virginia's capital, Richmond, was also the State's largest city. Now with 220,000 people, it is a distant second to Norfolk. The 1960 census shows that Richmond is actually losing population.

The desegregation of the city's public schools has been peaceful but slow, attended by neither strife nor notoriety. For the most part, its problems are quite similar to those of northern cities of comparable size. With 92,000 Negroes, Richmond has the largest percentage of nonwhite citizens of any major Virginia city. The city's real trouble is not litigation over the desegregation of its schools. Rather, it is Richmond's anxiety over the size of its Negro population. Of major concern to Richmond whites is the mere presence of so many Negroes and what this may mean to the city's future. This factor must be appreciated by anyone seeking to understand equal protection problems in the Richmond public school system.

BACKGROUND

The first Negro applications for admission to white schools were made in the summer of 1958. These were referred to the State pupil placement board, which rejected them, as it rejected all other Richmond Negro transfer requests during the following 2 years. On August 15, 1960, the State board assigned two Negroes to the Chandler Junior High School (white), and that September, a Richmond public school was desegregated for the first time. On July 5, 1961, the lone remaining Negro plaintiff of six who had filed the original Richmond suit for admission to white schools in 1958 was ordered admitted to an elementary school.[32] The court found the State board had discriminated against her because of race. Since this decision, the State board has processed and approved the transfers of a small number of Negro applicants. In Richmond in the 1961–62 school year, there were 36 Negroes attending classes with white children in 4 formerly white schools. Since there are 17,867 white and 23,824 Negro students

[32] *Warden* v. *Richmond School Board*, Civ. No. 2819, E.D. Va., July 5, 1961, 6 *Race Rel. L. Rep.* 1025 (1961).

enrolled in 58 Richmond public schools, this is clearly token desegregation.

PUPIL PLACEMENT, TUITION GRANTS AND SCHOOL LAWS

Richmond continues to operate under the control of the State pupil placement board. Theoretically, this places in the hands of the State board all initial assignments, promotions to higher level schools, and transfers from school to school within the system. Each child whether entering school for the first time, graduating from elementary or junior high, or seeking a transfer must fill out a placement application. This application is filed at the school where local procedures required the pupil to register. A request for placement in the school where the pupil must register is treated as a request for initial assignment. A request for placement in a school other than the school where he must register is treated as a request for transfer. Any application by a Negro seeking admission to a predominantly white school for the first time is considered to be a request for transfer.

Applications for initial assignments are sent to the State board which routinely approves them, for, as a practical matter, the board exercises its authority to make assignments only in the transfer cases. In transfer cases, local school officials inform the State board as to the applicant's residence, his aptitude and achievement scores, and his probable adjustment in the school he wants to attend. It is the stated practice to do no more than provide this information. The State board exercises its independent judgment without a local recommendation. Recently, the State board has appeared to rely almost exclusively on residence in reaching its decisions. Thus, applications of Negroes living nearer the white school applied for than any Negro school are granted. No applications are granted if this is not true.

At the local level, assignments to the lowest elementary grade begin with preregistration at neighborhood schools. Richmond newspapers notify parents of the time of preregistration. They also describe the school zone boundaries, and indicate the schools to which parents in given areas should report. According to school officials, these boundaries were frozen by the State placement board a few years ago. Depending on the dominant character of the area, its school is designated either Negro or white. In Richmond, there are no overlapping school boundary lines, nor dual attendance maps to maintain segregation. Thus, white children live in Negro school zones, and Negroes in white school zones. However, if a Negro child reports to his neighborhood school, and it is white, he is told he must register at a Negro

school in another zone. Should he want to attend the white school in his own area, he must apply for a transfer from the Negro school at which he is required to register. As already stated, his case is not treated as a request for initial assignment. White children living in Negro school areas are treated exactly the same, but no white children ever elect to transfer back to the Negro schools serving the area in which they live.

Negroes seeking admission (transfer) to the lowest elementary grade of white schools face another obstacle. The State cutoff date, after which requests for transfer will not be considered, falls prior to the date of preregistration which is set by the local officials. Unless a Negro parent is particularly foresighted, he will not have thought to apply for transfer before his child's enrollment in school. The result is that most Negro children begin their education in a Negro school. Therefore, the first real opportunity for a Negro child to apply for admission to a white school comes toward the end of his first school year. But once a pupil is settled in a school, inertia cuts down his desire to transfer. Thus, the time sequence on transfer reduces the number of Negroes who seek to attend desegregated schools in Richmond. The initial assignment by race is effective in this regard.

As to promotion to junior or senior high school, the situation is the same as in Norfolk. Certain elementary schools are "feeder" schools for particular junior highs, while certain junior highs send their graduates to particular senior high schools. The important thing is that Negro elementary schools feed Negro junior high schools, and these in turn feed the all-Negro high schools. Unless a student transfers at some time in his career, once enrolled in a Negro elementary school he will be "locked in" Negro schools all the way through. Also, as in Norfolk, once a Negro child enters a biracial white school, he will go the rest of the way through the school system with white classmates.

As a final matter, under the school zoning system which places white children in Negro school zones, and Negroes in white areas, there are many pupils who must be transported to schools at a considerable distance from their homes. The city buses these children to school. This is the only school transportation the city provides. Interestingly enough, it was this bus situation which produced the school desegregation suit in Richmond.

In Richmond, 111 tuition grants were awarded at a total cost of $26,125.57 during the 1961–62 year. These totals, though not final, are not likely to undergo any substantial change. For a city of Richmond's size, these figures are insignificant. It is clear that the tuition grant law plays no part whatever in the school desegregation struggle in Richmond. Another fact that should be mentioned is that Richmond has not enacted a compulsory school attendance law. The official

feeling is that the lack of such law has not produced dropouts on any large scale. Here, as elsewhere in Virginia, a student who might be described as a typical dropout candidate just leaves school earlier than was possible under a law specifying a minimum age.

NEGRO EDUCATION

As regards equal protection in schools, Richmond falls short of implementing the *School Segregation Cases* chiefly in the slowness of desegregation, which has resulted in "tokenism." Buildings and facilities for Negroes are old or new, good or bad, depending on their age and location. No pattern of favoring whites over Negroes with respect to school construction can be detected. To the contrary, to make up for years of lost time the city has been spending the greater share of its available construction funds for Negro schools. This policy dates back to a period following World War II, where over a 10-year span from 1946 to 1956, while $5,012,000 was spent on white school buildings, $9,871,000 went for Negro school construction. Despite this policy, the city has not been able to catch up. Negro schools continue to be quite overcrowded, as contrasted with the white schools which are thinning out. In part, of course, this is the result of in- and out-migration, as previously mentioned.

The problem of overcrowding in the Negro schools is one with dimensions that can best be seen in the school enrollment figures over the last decade:

White and Negro Public School Enrollment, 1951–61

	White	Negro	Percent Negro
1951	20, 429	13, 882	40
1954	22, 136	16, 644	43
1957	19, 667	18, 787	49
1960	17, 980	22, 164	55
1961	17, 867	23, 824	57

Clearly, the trend reflects a citywide increase in Negro pupils and a decrease in white enrollment, with steady increase in overall school population. The Negro's higher birth rate, plus his desire to live in urban surroundings, accounts for a good deal of the increase. The drop in white enrollment is, apparently, a result of the exodus of young white couples with school-age children to the counties immediately

surrounding the city. This city-county shift is coupled with a white-family movement to the outer sections of the city in order to get out of neighborhoods that are becoming more Negro-concentrated. The combined result of this influx of Negroes and departure of whites has produced an imbalance characterized by under-attended white and over-attended Negro schools.

School officials have tried to face the twin problem of "tokenism" and overcrowding with little success, which is not surprising. Any effort to balance individual school enrollments and at the same time speed desegregation would call for moving Negroes from their neighborhood school to the less-crowded white schools nearby. Theoretically, this should solve both problems. But, until the attitudes of the white population change, every effort to put more Negroes in nearby schools accelerates the shift of the white population to other areas both inside and outside the city. This makes the residential areas more unstable, and aggravates the original problem.

So far, school officials have practiced a policy of waiting until a white school has all but emptied out, and then, at one stroke, establishing it as a Negro school. Approval of the State pupil placement board is secured for the switchover. This practical approach, however, does nothing to facilitate desegregation. Directing attention to the feeder system of promotion of elementary pupils to junior high schools and junior high school students to senior high schools, one change that would bring about greater desegregation can be suggested. If assignment at the secondary levels were based solely on residence, more desegregation would be the result. This result is inherent in the greater difficulty in zoning large areas to achieve separation of the races. School districting for segregation is simple only where a large area is being broken into many small parts. This description by and large only fits the process of elementary school zoning in larger cities.

Richmond's Negro teachers are able, and respected, but are also products of the classic segregated educational pattern which has tended to deny Negroes the cultural experience essential to educated people. There are in Richmond no programs or practices, other than integrated teacher workshops, aimed at overcoming this lack of background. Negro teachers are less transient as a group than white teachers, and, on the average, have more years of teaching experience.

The curriculum for the Negro schools in Richmond is similar to that found in northern city high schools. The emphasis is on home economics for girls and mechanical skills for boys. This approach, while realistic for young people seeking employment in Richmond upon high school graduation, hampers the college-bound student and those capable of qualifying at more skilled jobs than presently open to

Negroes locally if they had suitable education. The present curriculum lags behind the broadening job opportunities for the Negro which must accompany industrial expansion in the South as elsewhere. The existing inequality in white and Negro curricula is not peculiar to Richmond, nor Virginia, nor the South for that matter. As for Negroes attending biracial schools, they are few in number. They have been attending white schools for so short a period that there is no showing that they have or pose any distinct problems. Richmond has no formal programs to aid in their adjustment to their new educational challenge.

SPECIAL PROBLEMS

The real problem in Richmond is not the desegregation of schools, nor any particular type of desegregation at all. Its difficulties lie in the belief of the white citizen that Richmond has a Negro problem. It is the presence of the Negro in such large numbers that makes Richmond's whites tense. The school enrollment figures, set out above, are symptomatic of the overall increase of the Negro in every phase of the city's life. The whites in Richmond fear "engulfment" and all that that term signifies. Watching the Negroes move in and the whites move out has created a tremendous anxiety over the future of the city. Comparing Negro population and Negro voting statistics to corresponding white figures causes the whites to doubt that they can preserve the southern characteristics of the past. In Richmond white people fear that the poetry of southern life will soon be gone, if it has not gone already.

Why this attitude exists can only be suggested. One reason may be that, like any city which grows larger, more crowded, more industrialized, and at the same time older, Richmond is simply facing big-city problems. Lacking a solution for them, it is not unnatural to seek a scapegoat. The Negro provides one. Richmond would undoubtedly be facing most of its present difficulties even if the recent influx of population was entirely composed of non-Negroes. Another reason may be that Richmond is close geographically and psychologically to southside, where the greatest race tension exists. It is just down the road to Prince Edward and Powhatan Counties. Also, Richmond's newspapers have a tendency to play up the race question, particularly the influential Richmond News Leader, which continually sounds alternate notes of anger and anguish.

There have been specific incidents and there remain specific conditions that contribute to white Richmond's attitude. Local Negro college students have been active in trying to open segregated restau-

rants, lunch counters, and certain public facilities to Negroes. Sit-ins and picketing by these students have caused considerable resentment. In particular, their efforts to desegregate the dining rooms of one of Richmond's large department stores, Thalhimers, which resulted in several convictions for trespassing, generated a good deal of heat.

The loss of young white families to the surrounding counties, already mentioned, is another of the contributing conditions. The effect of this migration on school enrollment has been graphically demonstrated. It has had a similar effect on voting statistics. One set of figures may serve as a typical example. Before Richmond's councilmanic election in 1958, there were 46,954 white and 10,541 Negro qualified voters. This was 3,000 less white voters, and 400 more Negro voters than 2 years before. The Richmond council of nine is elected "at large," not on a ward basis, which prevents Negroes from putting a single candidate in office. In fact, in the 1958 election, the white candidate with the most solid Negro support finished 12th with 7,482 votes. The candidate winning the ninth seat polled 10,275. The growing political strength of the Negro, estimated at just under 12,000, aided by losses in white voting strength obviously adds to the concern of Richmond's white people.

The city of Richmond recently attempted to counter what is here called her "real problem" by bringing about a political merger with Henrico County, which lies directly to the north. The hope was that this would bring into the city Henrico's more than 125,000 citizens, greatly increasing the ratio of whites to Negroes in Richmond. The city-Henrico merger proposal was defeated on December 12, 1961, when Henrico County voters said "No," by a wide margin. The defeat was a serious setback to Richmond's hopes, and Richmond began suit immediately to annex a major portion of Henrico County, as well as a substantial area in Chesterfield County which borders Richmond on the south. In Virginia, the courts determine whether there shall be an annexation. They inquire into the necessity for and the expediency of the proposed annexation, with an eye to the best interests of the city and county involved.[33] Under Virginia procedure for annexation, no voter approval is required. The chances are excellent that when the legal proceedings are concluded Richmond will have been competely successful. One immediate effect of annexation should be the reduction in white tension.

CONCLUSION

Richmond must recognize its problems are big-city problems, and not Negro problems. Big-city problems can be aggravated by race issues.

[33] Va. Code (Repl. Vol. 1956), sec. 15–152.11.

And one way to aggravate them is to continue to preach that you have a race problem. Richmond runs the risk—not very grave at present—that her political leadership may fail her. By constantly harping on the race issue and by giving expression to fears of engulfment, its leaders may create a grave race problem. The best answer lies in Richmond's continuing its effort to make the city a better place in which to live; using its planning and management skills to produce low-cost housing for both Negroes and whites; and making itself more attractive to young white couples who feel the pressure to leave. In all this, Richmond will be helped by annexation. Richmond's prize for winning the annexation suit will be more time to solve her problems.

In regard to equal protection in schools, the first step should be to improve the quality of Negro education in Negro schools. Attention should be given to modifying the standard high school curriculum in order to prepare Negro graduates for a brighter economic future. Richmond must then seek to avoid the charge of "tokenism." Greater numbers of Negroes could presently be attending Richmond's white public schools. School officials have not prevented this. They have not stood in the way of implementation of the *School Segregation Cases*, other than through their rather broad reading of the State pupil placement board's powers. City school officials have accepted the State board's freezing of elementary school zone lines, and assert that any redistricting would require its approval. And, on one occasion, they sought and received approval to turn a white into an all-Negro school. These school officials also believe that the State board must acquiesce in any plan to assign pupils to junior and senior high schools other than under the present feeder system of promotion. Richmond's experience exemplifies the virtually complete control exercised by the State board over the major means to bring about desegregation in the State.

If this is a necessary view under State placement laws, then the slow progress in desegregating Virginia's public schools must be attributed to the State pupil placement board. On this score, however, recent board action on Richmond transfer applications suggests State support for local recommendations. There will be a marked increase in the number of Negroes in biracial schools for 1962–63. In June 1962, the board transferred 90 more Negroes to predominantly white schools, including 5 that will be desegregated for the first time. This is a short step, granted, but at an increased tempo and in the right direction.

Warren County

Warren County, a rural-industrial area in the northern part of Virginia, has a population of 13,600 whites and 1,054 Negroes. About two-thirds of these people live in Front Royal, the county seat, where the first public school closing to prevent desegregation in Virginia occurred. Yet today, what tension exists in Warren County is generated not by Negroes seeking a speedup in the process of desegregation, but by a split in the white community over the tuition grant program and its effect on public education.

In Warren County, one-third of the total school population and one-half of the area's high school students attend a private school, organized when public schools closed. This school is almost entirely supported by pupils whose tuition is paid by the State. The community is deeply divided between those who oppose the tuition grant program as a financial drain on the support of public schools and those supporting Virginia's freedom of choice plan. The latter includes the segregationists and a few persons backing private schools as an educational experiment. This division is sharpened by the real and unsettling possibility that a Federal court may invalidate the tuition-grant program, which would greatly complicate the county school picture. In this debate, the Warren County Negroes have taken no active part. Although they will be materially affected by the outcome of this struggle, they have chosen to be spectators.

BACKGROUND

In the summer of 1958, all eyes were focused on the desegregation suits pending in Charlottesville and Norfolk. These litigations were proceeding at a pace which made it virtually certain that in one or both of these communities "massive resistance" would be tested. It was, therefore, surprising that the Warren County High School was the first to be closed by order of Virginia's Governor Almond. Prior to this, Warren County had operated 10 white and 1 Negro elementary schools; and 1 white and no Negro high school. Negro high school students had an option of being (1) bused 45 miles to a Negro boarding school each Monday morning to be returned on Friday afternoon,

or (2) taken each day in county school buses to a Negro high school 25 miles away.

In August, suit was brought seeking the placement of 24 Negro pupils in the Warren County High School and 5 in the Front Royal Elementary School. Judge John Paul heard arguments and granted an injunction against the Warren County School Board's denying enrollment of the Negroes in the high school.[34] He refused a similar injunction to the Negro plaintiffs seeking enrollment to the elementary school.[35] Appeal failed; the board was ordered to admit the Negro students on September 15, 1958. That day the Warren County High School closed.[36] After the school-closing laws were declared unconstitutional and attempts at further legal delay were unavailing, the high school reopened February 18, 1959, with only the 24 Negro students in attendance. The white pupils remained at the temporary private school which had operated during the fall semester when schools were closed. In the fall of 1959, the Warren County High School opened with 285 white and 24 Negro students. By September 30, the white enrollment had increased to 399; by the end of the 1959–60 session there were 429 whites and 22 Negroes enrolled, 2 Negroes having withdrawn during the session.

Immediately after desegregation in the county two significant events occurred. The first was the establishment on a permanent basis of John S. Mosby Academy, organized by local citizens who desired a segregated high school. (This school was the successor of the temporary school organized in September 1958, when public schools were closed.) The second was the completion and opening of Criser High School, a combined elementary and high school for Negroes. (The first facility for Negro high school students in the county.) By the 1961–62 school year, enrollments in the various public and private schools in Warren County looked like this:

Warren County School Enrollment, 1961–62

White		Negro
Public schools	John S. Mosby Academy	Criser High School
Elementary.....1475 Warren County high school..... 612	Elementary.....452 High school.....606	Elementary and high school.....302

[34] *Kilby* v. *School Board of Warren County*, Civ. No. 530, W.D. Va., Sept. 8, 1958, (summarized in) 3 *Race Rel. L. Rep.* 972 (1958).

[35] *Ibid.*

[36] *Ibid.*, 3 *Race Rel. L. Rep.* 972 (1958).

In the same school year, Front Royal Elementary School was desegregated, making a total of 18 Negroes in the two biracial county schools. There is little immediate prospect of an increase in the number of Negroes attending desegregated schools. The school board estimates that in the 1962–63 school year there will be only 18, possibly 20, Negroes in Warren County schools with white children.

PUPIL PLACEMENT, TUITION GRANTS, AND SCHOOL LAWS

Warren County is one of three school districts in Virginia making its pupil assignments in accordance with Federal court-approved policies. The other two are Charlottesville and Norfolk. Though the school board continues to send all its placement applications to the State pupil placement board, this appears to be a formality. In August 1960, as ordered by the court, the school board submitted a plan for the assignment of county high school students.[37] Under the plan, State route 340, which virtually splits Warren County into two geographically equal zones, was made the dividing line between two attendance areas. The Warren County High School (white) was designated to serve all high school students in the western zone, while Criser High School (Negro) was to serve the high-school-age students in the eastern area. Initial assignment to high school was to be on a geographical basis. Coupled with this was the provision that when initial assignment caused a pupil to be assigned to a school occupied predominantly by pupils of the opposite race, "Such pupil shall be permitted, upon the request of his or her parents or guardian, to attend the school nearest his or her residence which is occupied predominantly by pupils of his or her own race."

Judge Paul approved the school board's plan, but ordered the board to return and submit a similar plan for the assignment of elementary grade pupils.[38] In his order, he also granted the Negro plaintiffs the opportunity to present evidence supporting their contention that Criser High School was not comparable with Warren County High from the standpoint of reasonable academic opportunity. The plaintiffs have not yet tried to establish this contention.

In June 1961, the school board submitted its plan for the assignment of pupils to the elementary grades. Under this plan, each pupil is assigned to the elementary school nearest his home. If the enrollment of the nearest school is predominantly of the other race, the pupil may enroll at the school nearest his home in which his race predom-

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[37] 6 *Race Rel. L. Rep.* 123 (1960).

[38] *Kilby* v. *School Board of Warren County*, Civ. No. 530, E.D. Va., Aug. 9, 17, and 22, 1960, 6 *Race Rel. L. Rep.* 121 (1960).

inates. The plan has established no school zones, and operates solely on the principle of distance plus the right of minority transfer. Judge Paul approved the plan, as he had the plan for assigning high school students. The school board has faithfully followed the principles incorporated in these two plans.

In considering requests for transfer, the board has been guided by the same principles as those used in making original assignments. Thus, a high school student may transfer freely to the school in the zone where he lives. A transfer request to attend another elementary school is also granted freely if that school is the nearest school to the applicant's home. As of July 1, 1962, the deadline for presenting transfer applications, the board had received only two requests from Negroes living in the Criser zone to attend Warren County High School, and had received none from white children in the Warren zone asking transfer to Criser. The two Negro applications will probably be denied, as the board's policy has been to "stick strictly to the court-approved plan."

Tuition grants are a crucial factor in Warren County's desegregation picture. In the 1961–62 school year students in the county received 1,089 awards at a total cost of over $304,000. This is 13 percent of the dollar cost of tuition grants awarded in the entire State for this year. Virtually all these grants go to pupils attending John S. Mosby Academy, the segregationist private school. In Warren County the unfortunate effect of the tuition-grant program is the weakening of financial support for public education. The program, by allowing half the high school population to enroll outside the public school system, decreases the amount of money which the State allots on the basis of the average number of pupils in daily attendance at Warren High School. The loss of State funds results in less money for school operating expenses, the chief item of which is teachers' salaries. As yet, however, this reduced financial support has not adversely affected Warren County High School.

On the other hand, the fact that enrollment is less has resulted in a favorable teacher-pupil ratio at the county high school. Public school officials believe that the public high school students in this sense are better off than before desegregation. They point to the increasing percentage of graduates who are now going to college. The 1960 class sent 45 percent of its graduates to college; the 1961 class sent 54 percent. Estimates are that even a greater percentage of the class of 1962, perhaps 65 percent, will be attending college in the fall following their graduation.

In comparison, it is estimated that only 10 to 12 percent of the Mosby Academy's 1962 seniors will go to college. This comparison suggests several possibilities: first, the students who remain at Warren

County High School are as a group better motivated and possessed of higher aptitudes; second, the favorable teacher-pupil ratio affords the public school students more individual instruction and hence a more beneficial educational experience; and third, the Mosby school, as a new school, has not yet succeeded in overcoming its organizational, curricular, and other educational problems. The number of graduates with the capability and desire for higher education is usually considered to be an index of the quality of the education received in a school. The Warren County experience raises doubts as to the soundness of the tuition-grant program and the manner in which the county's educational dollar is being spent. Most communities in Virginia can ill afford to divide their effort in supporting education. The educational soundness of the tuition-grant program must be judged by the result which it produces for all students.

A valid compulsory school attendance ordinance under Virginia law requires both a recommendation by the district school board and subsequent enactment of an ordinance by the local governing body. The Warren County School Board has made the appropriate recommendation, but the county board of supervisors has taken no step toward passage of a compulsory school attendance ordinance. It does not appear that the supervisors plan such a step at any time in the near future.

NEGRO EDUCATION

The small number of Negro students attending Warren County's predominantly white schools precludes generalizations. However, the academic record of Negroes attending Warren County High School has compared favorably with that of the white students. Some Negroes have stood high in their classes, some low, and some have stood in the middle. There have been no incidents in the white schools arising out of the presence of the Negro children, not even name-calling. The Negro children continue to eat by themselves in the school cafeteria, although not as a result of any school policy. All school-sponsored activities are open to them; for example, at least one Negro girl is a member of the school's chapter of Homemakers of America. However, there have been no Negroes playing on any school athletic teams; the one boy who contemplated "trying out" was dissuaded. Dances and other school social events have been discontinued.

The Negro teachers exhibit the same lack of cultural breadth and the same narrowness of experience noted previously in connection with other Virginia communities. Only 4 of 17 have studied in desegregated schools. Their academic contact with whites has been limited

to integrated teacher workshops or to committees organized for such purposes as selecting textbooks. How the Negro teachers feel about desegregation of public schools is not clear. It is apparent that they are less obviously active in the Negro effort to gain a greater measure of educational equality than in the previously discussed localties. In this they share the attitude of the great bulk of the Negro community of Warren County.

The most disheartening factor in appraising the education of the county's Negro children is that the so-called gap in achievement and aptitude levels between white and Negro students is being ignored. School officials have noted that the average Negro pupil lags one and one-half grades behind his white counterpart by the time both have reached the fourth grade. Many local white educators are convinced that this gap cannot be closed. They concede the Negro's capacity to memorize and recite facts and figures, but are pessimistic about the Negro's ability to develop his critical faculties. It is difficult to understand this pessimism, as it seems equally reasonable to believe that the Negroes' critical faculties may be developed by education equal to that received by white children. Recently efforts have been made to improve instruction at Criser. These include emphasis on remedial reading and increased use of television in the classrooms. Additions to Criser's library have also been made and science and mathematics instructional aids purchased. It is hoped that these will begin to vitalize Criser's academic program and operate to narrow the disparity in white and Negro achievement levels.

More distressing in this area is the fact that Negro teachers seem unconcerned with this problem of the "gap." They are perhaps justifiably sensitive to comparisons of white and Negro students. It is also fair for them to criticize achievement and aptitude tests which tend to produce higher scores for pupils of a higher socioeconomic level. Nevertheless, sensitivity and the fact that present methods of measuring the gap may be deficient should not be permitted to hide the existence of the gap. Nor should these factors be permitted to slow efforts toward providing better education for Negroes in Negro schools.

The new Criser High School, which provides both elementary and secondary education for Warren County Negroes, is a handsome physical plant, built on a spacious 15-acre hilltop site. Its facilities include a separate building for industrial arts. Physically, it compares favorably with Warren County High School. In addition the industrial arts program is superior. However, Warren offers a more extensive program of foreign language and science courses than does Criser. Until recently Criser students had no opportunity to take physics. Distributive education is still closed to them. Thus, it can be seen that Negro students, for the most part, do not have the same

educational opportunity as white students in the county. This inequity has been pointed out, but it was not seriously attacked by the Negroes in the Warren County school desegregation suit. School officials justify this unequal opportunity on the ground that Negroes in Criser are not interested in a broader curricula.

In Warren County the Negroes are proud of their new school. They also have great respect and a high estimate of the ability of their teachers, an estimate not shared by the white community. By dismissing the probability that an educational gulf may separate students of the white and Negro races, they ignore one of their most serious problems. The Negroes' satisfaction with their school and teachers suggests the reason for so few requests by Negroes to attend the white high school. It also forecasts few in the near future.

SPECIAL PROBLEMS

As in Charlottesville and Norfolk, school desegregation seems to proceed under control. However, should Virginia's tuition grant program collapse, Warren County will face a crucial situation. If a court should decide the program is unconstitutional or that the "private" post-Brown schools can no longer practice racial discrimination because State action is found in their operation, the John S. Mosby Academy would be forced to continue without the substantial public financial support it now receives. In this event, it is not clear what position the county would take with regard to public schools. Segregationists pressure and large-scale community hostility could be so great that Warren County might choose to become another Prince Edward and close its public schools. The likelihood of this depends on the nature and strength of the economic and political forces at work in the community at that time.

Warren County, primarily rural in its makeup, is conservative on the race question. In this county, it should be remembered, when the schools were first opened on a desegregated basis in the spring semester of 1959, 24 Negroes attended classes alone in the white high school. Over 1,000 students decided for various reasons not to return. More than 2 years later, half the high school population continued to attend Mosby Academy which, whatever its academic future, is presently not equal to Warren High.

In Warren County organized labor also is one of the forces to be taken into account. The members of the Textile Workers Union of America at the American Viscose plant strongly supported the segregationist Warren County Educational Foundation during and after the school closing in 1958. At one point in 1959, the 2,000 members

of the union (which includes both whites and Negroes) were contributing $1,600 a week to this foundation under a paycheck deduction system, which was discontinued by order of the international union of which it is a member. About two-thirds of the members of the local union are rural Virginians, and probably less than 10 percent are skilled technicians. This raises a question as to whether fear of future Negro competition in employment is partially responsible for the local union's conservative desegregation stand. It is estimated that no more than 50 Warren County Negroes would qualify for jobs presently held by white employees at the plant. The union would probably be actively prosegregationist should another school crisis arise.

Most Warren County businessmen, in contrast, have learned that a stiff segregation posture hurts business. American Viscose officials admit that Warren County's formerly uncertain school situation made it difficult to attract management personnel and technicians. This segment of the community, along with the county's relatively liberal school board, would, it is believed, stand solidly behind public education.

The Warren County Board of Supervisors is perhaps the most important facet in this appraisal and yet its position is the most difficult to assess. It has seemed necessary for two members of the board to seek election as segregationists. Yet, it must be increasingly evident to these members that the county's welfare, as well as that of their constituents, rests on industrial development, which in turn depends on public schools and community stability. Thus, the board members may be confronted with a dilemma. The board, as the county's governing body, has power to cut off all funds for operating schools; therefore, how the board resolves the dilemma, if it arises, is very important. It is generally believed that it would ultimately support public education.

In the event that parents are denied the use of tuition grants, most will be unable to continue sending their children to John S. Mosby academy unless financial support comes from some other source. It is expected that money will be forthcoming from other parts of Virginia and the South if needed to enable Warren County and Mosby Academy to stand firm for at least the current school year. Mosby could conceivably garner enough support to continue operating indefinitely without tuition grants.

The public schools would probably be kept open, as has been suggested above. Once again Mosby students would begin to return to the public schools; if not immediately, at the start of the first full year after their tuition grants were cut off. The county would immediately require a new high school building, as the return of even a

substantial fraction of the high school students in Mosby would create impossible overcrowding, unused classrooms having been converted to other uses. Warren County might offer to purchase the private school's facilities, but the offer would probably be rejected. At this point, site selection and school construction plans would have to be undertaken. Under the most favorable conditions this is a difficult process, even for a governing body and school board firmly committed to the support of public education. In the face of the hostilities and pressures certain to exist during a period like the one suggested above, it will be even more difficult. The elimination of tuition grants will surely present Warren County and its public schools with many perplexing problems to which solutions would have to be found.

CONCLUSION

The progress of desegregation of Warren County schools is dependent upon the fate of Virginia's tuition-grant program. If the grants survive, the white community may continue to provide inadequate support for the public schools, weakening public education without any compensating benefits to private education. Moreover, Negro education will continue to suffer if educators confuse good facilities with good education and write off as insoluble the problem of the education gap between white and Negro pupils.

If the tuition-grant program is declared unconstitutional the number of white children attending desegrated public schools would probably increase, but it is doubtful that the number of Negro children attending these schools would be materially affected. Still public officials will be confronted with many administrative problems having their origin in the court order to desegregate Warren County public schools.

Although the Warren County Negro has now chosen the role of bystander, watching the white community struggle with the process of desegregation, he was the catalyst.

Northern Virginia

BACKGROUND

Four communities are known collectively as northern Virginia. They are the cities of Alexandria and Falls Church and the counties of Arlington and Fairfax. One of the most rapidly growing areas in the United States, its population increased dramatically during the 1950–60 decade. The present breakdown of its 539,618 persons, by community, is as follows:

Community	White	Negro	Total
Alexandria	80, 388	10, 353	91, 023
Arlington County	154, 172	8, 590	163, 401
Fairfax County	260, 145	13, 821	275, 002
Falls Church	10, 011	144	10, 192

The increase in population during the decade was primarily of white persons. Thus, while the Negro population increased numerically to its present 32,908, it decreased in proportion to the total.

Northern Virginia is unique among Virginia communities which are in the process of desegregating their public schools. Its distinguishing characteristics result primarily from its proximity to Washington, D.C. Most of its people work for the Federal Government; some in the District of Columbia; others are in the military, attached to bases in the area. The white community is well-educated and to some extent transient. Residents come and go as a result of changes in the political party in power, depart to enter private employment, and, in the case of military personnel, are transferred. Because of their ties to the Nation's Capital and their transitory residence, they are less identified with their residential communities and the State than native Virginians.

It is a fair generalization that this transient, well-educated, nonnative citizenry is more liberal on the race issue than the rest of the State, and has a much greater capacity to accept desegregation as

the law of the land. The extent of desegregation in this area in 1961–62 can be seen in the enrollment figures.

Public School Enrollment, 1961–62

Northern Virginia community	White	Negro	Number of Negroes w/whites	Schools desegregated
Alexandria	2, 368	2, 298	45	8
Arlington County	23, 602	2, 128	143	11
Fairfax County	63, 668	2, 195	95	18
Falls Church	1, 937	26	3	2
Total	91, 575	6, 647	286	39

The 286 Negroes in biracial schools in northern Virginia accounted for over half the State's total of 533 in 1961–62. This result is striking when compared with the results achieved in Norfolk and Richmond, urban areas with a combined population equal to northern Virginia's. In the same school year, Norfolk-Richmond had only 86 Negro pupils in classes with whites. The significance is greater when the Norfolk-Richmond Negro school enrollment of 42,218 is compared to nothern Virginia's 6,647. There is reason to believe that desegregation will continue to make progress in these more liberal communities.

PUPIL PLACEMENT, TUITION GRANTS, AND SCHOOL LAWS

Under Virginia law, communities have the option of withdrawing from the State pupil placement board's jurisdiction to handle their pupil assignments locally. Only four Virginia locales have exercised this option; among them three are northern Virginia communities, Alexandria being the exception.

Arlington County

Under its local school plan, Arlington County is zoned into school attendance areas, each child being assigned in the first instance to the school serving his district. The plan includes a provision permitting any pupil assigned to a school in which his race is in a minority to transfer to another school. In practice, both white and Negro pupils receive the same treatment. Thus, if a pupil's

race is in the majority at the school of his residential zone, he must enroll there. But if his race is in a minority at the school, he may enroll there or elect to attend the nearest school where his race is predominant.

Promotions are handled under a system in which designated white elementary schools feed certain white junior highs, which in turn feed two white county high schools. Negroes attending desegregated schools are promoted with their classmates to white junior or senior high schools. Negro elementary schools, with the exception of the Langston school, feed Hoffman-Boston, an all-Negro combined junior and senior high school.

The school zone lines, which are substantially the same as when first drawn in 1949, confine the Negro population in two areas. The larger of the two, Hoffman-Boston, mentioned above, holds three-fourths of the Negro school population. The smaller, separated by considerable distance from Hoffman-Boston, is Langston. Langston Elementary School serves a residential concentration of Negroes in the northern part of Arlington which is completely surrounded by white residential areas. Upon graduation, pupils in Langston's eastern section may go to Stratford Junior High (white) or Hoffman-Boston. Similarly, pupils in Langston's western section may go to Swanson Junior High (white) or Hoffman-Boston. On graduation from either Stratford or Swanson, former Langston students are sent with their classmates to one of the white high schools unless they elect to attend the Negro high school.

The great majority of Negro pupils live in the Hoffman-Boston zone and, under the Arlington assignment plan, are locked in the Negro school system as a result of the school board's nontransfer policy. The only transfers approved, and these have been approved freely, are those from schools where the applicant is in the racial minority. There is little prospect for any nonsegregated education for the large proportion of Arlington Negroes since they live in the Hoffman-Boston area. In November 1961, the school board asked the Federal court to dissolve the injunction entered in 1956 prohibiting racial discrimination in the operation of the schools. The Negro plaintiffs objected on the ground that both the school attendance zones and the transfer rule were based on race. The court overruled the objections and struck the case from the docket.[39] The fact that the school zoning antedated desegregation by 10 years did not impress the court. The constitutionality of the transfer rule, here sustained, is widely used in both Virginia and North Carolina. It has not yet been passed on by the Court of Appeals for the Fourth

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[39] *Thompson* v. *County School Board of Arlington County*, 204 F. Supp. (E.D. Va. 1962), 7 *Race Rel. L. Rep.* 45 (1962).

Circuit.[40] A taxpayers suit attacking a school bond issue to build a large addition to one of the elementary schools in the Hoffman-Boston area on the ground that the purpose was to perpetuate segregation has been equally unsuccessful to date.[41] A petition for *certiorari* was filed in the U.S. Supreme Court on July 17, 1962.[42]

Fairfax County

Fairfax County, like Arlington, operates under a local pupil assignment plan. Geography rather than zoning is the major criterion in Fairfax. Children are permitted to enroll either at the elementary school nearest their home, or the school nearest their home attended primarily by children of their own race. In theory, promotion operates the same way. In Fairfax, however, all pupils graduating from a school are not automatically assigned together to a school of the next higher level. Instead, each child is assigned to the next higher class at the school nearest his home. In practice, under this system, white children have been assigned to the nearest white intermediate or high school. Negro children who had been attending Negro elementary schools have been assigned to all-Negro Luther-Jackson, the combined intermediate and high school, unless they applied to attend a white school nearer their home. Until the spring of 1962, there was no formal procedure for assigning Negroes graduating from biracial schools. However, assignment of these pupils for the 1962–63 school year gave rise to a special problem.

At the end of the 1961–62 year, all the Negroes graduating from desegregated elementary and intermediate schools were assigned to Luther-Jackson. Parents of these children protested to the school superintendent. They were informed that these assignments had resulted from their failure to make timely application for their children to attend desegregated schools at the next level. On appeal to the school board, the parents were informed their children would be reassigned to biracial schools. A majority of the board expressed the view that they had thought this procedure would be automatic and that it would be automatic in the future. Local board action seems to have solved this problem.

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[40] The Sixth Circuit has repeatedly upheld the rule and the Fifth Circuit condemned it. [*Editor's note:* After the Virginia report was submitted the Fourth Circuit Court of Appeals held a minority transfer provision invalid because its purpose and effect was to perpetuate segregation. *Allen* v. *School Board of City of Charlottesville,* Civ. No. 8638. 4th Cir., Sept. 17, 1962.]

[41] *Alexander* v. *County Board of Arlington County,* Law No. 8440, Circuit Court of Arlington County, Va., Mar. 6, 1962, Va. Supreme Court of Appeals, Apr. 18, 1962.

[42] Docket No. 258, 31 U.S. L. Wk. 3065.

What may prove to be the biggest advance in Virginia school desegregation took place in the late spring in Fairfax. The board unanimously approved the applications of 102 Negroes to attend white schools nearer their homes than the Negro school. At the same time it rejected 21 others, 3 of whom actually lived closer to white schools. Eighteen others lived closer to Negro schools. On appeal, all 21 were approved by the board. On behalf of the 18 it was argued that white children living closer to Negro schools had always been permitted to attend more distant white schools; not to permit Negroes the same opportunity would be discriminatory. This argument apparently led to the board's action, which for the first time permitted Negroes to enter white schools even though Negro schools were actually closer to their homes. Under this rule (in essence the rule of the Delaware case of *Evans* v. *Buchanan* [43]) the board is now a short step from abolishing the dual school system. In the meantime, in Fairfax County, the white schools are wide open to the Negro, although he must seek transfer.

Falls Church

Falls Church is unique among northern Virginia communities in that it operates no Negro schools. Under an informal contractual arrangement, Fairfax County accepts the city's Negro students as tuition students. Under this arrangement the city pays the entire cost; it receives no aid for this under the State tuition-grant program.

Falls Church has exercised the local option of assigning its own students. The school board has delegated this duty to the school superintendent who makes his assignments in accordance with the criteria set up by the State Board of Education, as provided by the State law.

There is one junior-senior high school, serving all of Falls Church, and three elementary schools, serving separate districts within the city. The criterion for placement of the Negro children, identical with the placement of whites, is residence in the area served by a particular school. The residential distribution of Negroes is such that if all the Negro children attended the city's schools all Falls Church schools would be desegregated.

School authorities have expressed a readiness to accept all the Negro pupils into the Falls Church schools. The $10,000 paid Fairfax County for tuition would then be saved. These local officials, however, feel that the Negro children should have the option of attending

[43] 195 F. Supp. 321 (D. Del. 1961), 6 *Race Rel. L. Rep.* 685 (1961).

Negro schools in Fairfax if they prefer to attend a Negro school, and intend to continue financial support of this arrangement until the Negroes choose to attend local schools.

Alexandria

Alexandria operates under the State pupil placement board. It is the only school district in northern Virginia that does. Alexandria does not use a system of attendance zones, but relies instead on distance from schools in making pupil placement recommendations. The result is that each child is assigned to the school nearest his home, with the exception that no child is required to attend a school where his race is in a minority.

In practice, race intrudes at the elementary level to this extent: If a white child presents himself at the white school nearest his home, he is accepted and enrolled. If a Negro child presents himself at the school nearest his home, he is accepted and enrolled, if it is an all-Negro school; but if it is a white school, the Negro is told he will be informed later whether he has been accepted. Similarly, on promotion to the high school level, white children are assigned to white high schools, Negro children enrolled in Negro schools are assigned to all-Negro Parker-Gray High School. To get out of a Negro school, the Negro pupil must apply for transfer.

However, virtually all applications of Negroes for admission to white elementary and high schools, where these schools have been the closer to the applicants' homes than the Negro school, have been recommended for approval by local officials. These recommendations have been followed by the State pupil placement board as a matter of routine. So far there have been relatively few applications. On February 13, 1962, Judge Oren Lewis dismissed *Jones* v. *School Board of Alexandria*, stating there were no issues remaining to be settled.[44] However, the permanent injunction issued by Judge Byran on January 23, 1959, barring the Alexandria School Board from refusing admission of Negroes to schools on the basis of race, remains in effect.[45]

There are two military installations in northern Virginia where dependents of military personnel reside on base; Fort Myer in Arlington County and Fort Belvoir in Fairfax County. Both operate a non-segregated on-base elementary school; Fort Myer a kindergarten through 6th grade school and Fort Belvoir a kindergarten through 7th grade school. Upon graduation these pupils are assigned to public schools in the respective counties by local school officials.

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[44] Civ. No. 7895, E.D. Va.

[45] *Jones* v. *School Board of Alexandria*, Civ. No. 1770, E.D. Va., Feb. 6. 1959. 4 *Race Rel. L. Rep.* 29 (1959), *aff'd.*, 278 F. 2d 72 (4th Cir. 1960).

Prior to the 1960–61 school year all assignments of children of military personnel were made by race in both counties. For the 1960–61 school year Arlington County school officials gave Negro dependents of military personnel the option of attending the all-Negro school or all-white schools serving the area in which Fort Myer is located, to which white dependents were assigned. Fairfax County has not announced such a rule, but it has been reported that the school board would react favorably to applications by Negro students residing at Fort Belvoir for reassignment to the appropriate white schools for the 1962–63 school year.

There is a strong feeling in all four communities that the tuition-grant program is both expensive and unnecessary. On March 24, 1962, the Arlington County Board of Supervisors refused by a vote of 3–2 to appropriate additional money for the payment of tuition grants. The board previously had allotted $50,000 for this purpose, but was informed that an additional $30,000 would be required. All members of the board expressed disapproval of the State program. However, the two members voting for the appropriation said that nothing was to be gained by opposition, since under State law a locality not paying its share has the equivalent amount deducted from some other State appropriation to which it is entitled. The majority felt the county should go on record as opposed to the program.

In Alexandria, a special situation contributes to the community's general dissatisfaction with tuition grants. A large number of pupils receiving grants in the 1961–62 year attended Burgundy Farms, a nonsegregated, private elementary school. Some think these pupils would have attended there anyway and that the grants should not be used by parents in such a case. Segregationists were even more distressed to have tuition grants used by parents seeking a nonsegregated education for their children. In the unlikely event that Virginia puts its tuition-grant program on a local-option basis, northern Virginia might well discontinue the program.

Virginia communities are granted the option of enacting compulsory school attendance laws.[46] As of June 1962, 57 of Virginia's local governing bodies, on recommendations from their school boards, had exercised this option. All four northern Virginia communities now have adopted a local compulsory school attendance law.

NEGRO EDUCATION

In northern Virginia, the inferiority of the all-Negro school is not seen in its physical plant and facilities, which compare favorably

[46] *Supra*, note 21.

to white schools. Such slight disparity as exists is due to the fact that white PTA groups tend to buy additional school equipment—for example, television sets, library books, and athletic equipment—for the white schools, and Negro PTA's do this, if at all, on a much smaller scale.

The Negro teachers have more formal education than the white, but most of it has been received in segregated institutions. Often culturally deprived themselves, these teachers have little cultural breadth to impart to their students. In northern Virginia, the Negro teachers have more contact with white teachers, as well as with whites generally, than Negro teachers in other parts of the State.[47]

It is difficult to measure the academic achievement of Negroes in biracial schools. Apparently none of the four communities keeps school statistics by race. The Negro students have been received well by their white classmates and teachers. However, all Negro students interviewed report they are having to study harder than they did in Negro schools. This suggests that they may be ill-prepared, which would not be surprising in view of the wide gap in academic achievement of white and Negro pupils in the same grade. The existence of this gap is readily conceded by Negroes in northern Virginia.

Many Negro students stay in school only as long as they must. In Arlington, for example, the average Negro completes 8 or 9 years of school, while the average white finishes a year or more of college. Also, Negro children are too often without motivation, coming as they do from homes where there is no place to study, and where both parents work, usually as domestics or laborers. In contrast, the white children come from upper middle class homes, rank above national averages in achievement and are unusually well motivated.

Conscious of this disparity in background and preparation, the Fairfax Council on Human Relations has instituted a regular tutoring program for Negro children attending desegregated schools. After first report cards are issued, Negro families with children in biracial schools are canvassed by the council to ask if their children need help. If so, they are offered tutoring an hour or two each Saturday at a local Negro church. Efforts are being made to expand the council's tutoring program. Despite the need for such efforts, no similar programs seem to be in operation elsewhere in Virginia.

The Negroes themselves have recognized the achievement gap exists, but the only obvious reaction among most Negroes is reluctance to transfer to white schools. The question is raised as to whether Ne-

[47] In the spring of 1961 the all-white Arlington Education Association voted to admit Negro teachers, the first action in Virginia directed at ending segregation in teacher organizations. The directors of the Virginia Educational Association, the parent organization, promptly voted to expel the Arlington branch. However, at its annual meeting in November, the VEA adopted a motion to study a proposal to permit local chapters to decide whether to admit Negro teachers.

groes really obtain a better education in desegregated schools where they must compete with better prepared, highly motivated white students. Frustration and failure engulf the ill-prepared Negro pupils. An all-Negro high school, such as Arlington's Hoffman-Boston, which has a favorable pupil-teacher ratio, offers compensating values of personal attention for some pupils. With these difficult educational questions in mind, Negro teachers have neither been encouraging nor discouraging Negro pupils to transfer to white schools.

In Alexandria, Fairfax, and Falls Church, all school-sponsored activities are open to Negroes enrolled in the desegregated schools, including interscholastic athletics and school dances. However, attendance at dances has been expressly limited to students enrolled at the particular school. Thus, a Negro girl's escort must be enrolled at her school to attend the dance there. Given the limited number of Negroes in each desegregated school, this works to exclude Negroes from school social affairs. When specifically requested to do so, school officials have made exceptions to this rule.

Arlington schools no longer conduct dances and socials, but desegregated dances sponsored by community organizations are permitted in school buildings. As of April 1961, Negroes were barred from athletics in accordance with the Arlington School Board's announced position that desegregated athletics were against State policy. It seems the board has retreated from this position, although there has been no public statement to this effect.[48]

SPECIAL PROBLEMS

Northern Virginia faces two special situations that tend to set it apart from the rest of Virginia. One is legal; the other, nonlegal. The nonlegal situation is the growing scarcity of Negro housing in the area, and the effect this scarcity has had on Negro population trends. Alexandria's experience can be taken as a good example of what is happening. Negroes, in recent years, have been moving from rural areas in the State into the cities. What hope the Negro has for better employment opportunities, education, and housing seems to lie in urban centers. Counter to this general pattern, Alexandria's Negro population has been decreasing relative to the white.

Whether consciously or not, the city has been driving out its middle and upper class Negroes through its failure to provide them suitable housing. The Negroes who have been leaving usually possessed a

[48] Several outstanding Negro athletes are presently on junior high school teams, which compete only with other junior high school teams within the county. The school board will be faced with the first real test of its athletic policy when these children are promoted to desegregated high schools, whose teams participate in interscholastic competition out of the county.

better education, higher aspirations, and greater employment potential than those who remained. Thus, Alexandria has been steadily depriving itself of the Negro element best qualified to contribute to the city's welfare. The city also seems bent on aggravating this situation with its plans for urban renewal and redevelopment. Areas purchased or condemned by a city usually displace more Negroes than whites. As this occurs in Alexandria, the Negroes displaced relocate elsewhere.

The movement of northern Virginia Negroes is related to the problem of school desegregation. First, Negro teachers with the financial ability to secure better housing than is now available prefer to live in neighboring Virginia areas or Washington, D.C. Since the community is no longer their home, this lessens their feeling for it, its schools, and its problems. Second, and more serious, is that the better type of Negro family is leaving. This drains the community of its better motivated Negro children with higher scholastic aptitudes. This exodus must widen even more the existing Negro-white educational gap, making the northern Virginia school desegregation problems even more difficult.

In three of the four northern Virginia communities segregated schools remain. In them are many Negroes who could profit from desegregated education. Present zoning arrangements (Arlington) and segregated residential patterns (Alexandria) plus local assignment plans stressing residence prevent these Negroes from ever receiving such an education. Perhaps, when State law has created segregated residential and school zones, local school officials have not performed their full constitutional duty by merely instituting an assignment plan based on geography. These Negro citizens may still want this legal question answered. Judge Lewis may have been premature in striking these cases from the docket.

CONCLUSION

Recent events in northern Virginia are cause for optimism in regard to achieving equal protection in public education. In two of the four communities, it appears that any Negro who wishes may now attend a desegregated school. Falls Church has only to admit a handful of Negro children to competely desegregate its school system, and appears ready to accept them. Fairfax County, where Negroes are being admitted to the white schools nearest their homes, has moved Virginia a big step toward eliminating discrimination in its public schools. Every sign indicates that the communities in northern Virginia will be the first in the State to reach compliance with the mandate in the *School Segregation Cases*.

Summary

In reviewing equal protection in Virginia public schools, two things stand out. First, the the pace of desegregation has been slow, laying Virginia open to the charge of "tokenism." Very few Negroes are receiving a biracial education in Virginia. The prognosis for September 1962, shown in appendix B, is less than 10 percent. Second, Negro education in Negro schools is not equal to the education provided whites, either in tangible aspects or, more importantly, in intangibles. Officially, very little is being done to improve the quality of this education. At present the educational opportunity of white and Negro children in the State is not comparable.

THE PACE OF DESEGREGATION

In the 1961–62 school year, the total number of Negroes attending biracial schools was 533. (See app. A.) In the coming year, this total is expected to increase by several hundred. Since Virginia has a Negro school population of over 217,000, this is clearly token desegregation. Many Virginians have deceived themselves into thinking that a handful of Negro pupils attending white schools satisfies the mandate of the *School Segregation Cases*. It is hard for them to appreciate that not some, but every, Negro student must be given the opportunity to attend school on an equal footing with white pupils similarly situated. In no school district in Virginia, with the exception of Falls Church and, hopefully, Fairfax County, does such a situation exist.

The tool used in Virginia to deny equal opportunity is "residence." Under every placement procedure—State board, local option, or court-approved plan—residence is the instrument which withholds the opportunity to attend white schools in a particular community from the majority of its Negro pupils. The State pupil placement board denies Negro transfer applications whenever the applicant's home is nearer a Negro school than a white one. In Alexandria and Norfolk the operation is substantially the same. Arlington, Charlottesville, Richmond, and Warren County accomplish the same result by school dis-

tricting. In these four communities, Negroes are locked into their Negro schools, transfers out of zone being permitted normally only to students who find themselves in a minority at the school of their zone of residence. At the same time, white students living in the zone of a Negro school can transfer out under the predominant-race rule not yet passed upon by the Court of Appeals for the Fourth Circuit.

The element of discrimination which runs through all these procedures is that white children in every Virginia community have the opportunity to attend the nearest white school *whether or not* it is the nearest school to their home. At best, Negro children have the opportunity to attend a white school *only* if it is the school nearest their home. Typically, under these arrangements white children may pass Negro schools on the way to white schools. However, though Negro children in some areas may be permitted to attend white schools, no system or plan permits Negroes to attend a white school if a Negro school is closer.

Falls Church, with no Negro schools and virtually no Negro schoolchildren, is the clear exception. Falls Church stands ready to admit any Negro pupil living in the city to one of its white schools. The recent action of the Fairfax County School Board may make this county another exception. By accepting the argument that a Negro child should be entitled to bypass a Negro school to attend the nearest white school if a white child can do this, the school board has moved Fairfax closer to desegregation. If the board should continue this practice, every Negro child in Fairfax will have the opportunity to attend a white school, while not being required to do so.

Virginia is fearful of adopting this Fairfax position. It fears engulfment. However, on the experience of two communities who have given Negroes a measure of free choice in selecting the schools they attend, the fear seems unfounded. In Charlottesville, where Negro high school students have been permitted a free choice of going to either the local white or the Negro school, only 33 out of about 300 of the city's Negro pupils have elected to go to the white high school. In Warren County, only 24 Negroes attended the white high school in February 1959. It is estimated that in the fall of 1962 this number will have dropped to 15. It should be noted that under Warren County's court-approved plan many more Negroes could freely enroll there. There seems to be no rush by Negroes to enter white schools, whatever the reason.

NEGRO EDUCATION IN NEGRO SCHOOLS

Throughout this report, stress has been placed on the failure of Virginia school officials to narrow the gap between white and Negro levels

of academic achievement. Certainly, the solution to this difficulty does not lie entirely, nor even primarily, in the hands of educators. Nonetheless, much can and should be done by the school authorities to improve the quality of education provided in the Negro schools. Unfortunately, not only the tangible factors (buildings and equipment) but also the intangible factors (curriculum, teaching methods, and the teachers themselves) in the Negro schools are inferior. In comparison to white schools, they usually offer a smaller list of courses and cover less material in their classes. Teaching methods are old fashioned, with emphasis normally placed on developing the memory, rather than the reasoning power, of the pupil. Also, the assigning of homework is not a typical practice in Negro schools. In short, the educational standards and goals are lower than those prevailing in white schools. Teachers' expectations of what the pupils can achieve are lower.

It is said that most Negro pupils, being less talented, cannot move at the faster pace sustained in the white schools. The simple answer to this suggestion is that low-aptitude white pupils who attend white schools receive more homework, better instruction, and must move at the characteristically faster pace in the white schools despite their lack of talent. It is also frequently said that the Negro teachers, parents, and pupils are the appropriate persons to accept the responsibility of closing the educational gap. Anyone taking this position seems truly to have missed the point. The Negro teachers are themselves products of segregated schools where these same deficiencies have always existed. They use the same methods and operate using the same standards as their former teachers. Lacking any past or present contact with white educational institutions, they cannot be expected to conduct classes up to these standards. Lacking cultural breadth, as a result of their narrow experiences, they are unable to widen the cultural vision of their pupils. Only the exceptionally talented could be expected to overcome the inherent weakness of the segregated schools they attended and become strong teachers. Some have; but the majority have not. The majority are weak teachers in spite of the number of advanced degrees and years of teaching experience they may have.

Efforts to close the gap must come from white school administrators. School superintendents must set higher standards for and exert efforts to raise the achievement levels in Negro schools. As responsible and experienced educators, it is expected that they will supervise and guide the operation of the Negro schools in their school districts with the same attention and energy they demonstrate in running their white schools. All too often in Virginia, if there are no complaints from Negro principals and teachers, school superintendents and school board members are willing to ignore what they must know are serious shortcomings in their school systems.

It seems fair to suggest that there would not be so much pressure being exerted to desegregate the public schools at this time were the Negro schools in Virginia of better quality in respect to the more vital, intangible factors in education.

THE FUTURE

Recently, the State pupil placement board has voluntarily assigned Negro applicants in increasing numbers to white schools around the State, to both schools already desegregated and those to be opened to Negroes for the first time. Thus, Virginia shows promise of continuing its slow, steady, desegregation pace. However, in a year or two, all the easier-to-desegregate communities will be operating biracial schools. Then, what remains will be school districts with hardened segregationist attitudes like Prince Edward County. In the summer of 1962, Powhatan County, a neighbor of Prince Edward, threatened to close its schools in the event the State placement board assigned a Negro to one of its white schools. This foreshadows what lies ahead for Virginia.

However, within a year or two, Virginia will have answered, or passed beyond the need to answer, two critical questions: Can a county (Prince Edward) close its public schools while the rest of the State's schools remain in operation? Is there an affirmative obligation for the State to provide public education for all its children? (It is difficult to conceive of a State with the pride of Virginia deciding to abandon public education.) Determined and wise leadership can make it unnecessary for Virginia to face either of these two questions.

With respect to equal protection in Virginia public schools, the task ahead looks formidable. But Virginia has come a long way since the fall of 1958.

APPENDIX A

Virginia Public Schools Desegregation, 1961–62

School district	Population		Public school enrollment, 1961–62				Method of pupil assignment	Tuition grants		Compulsory school attendance law
	White	Negro	White	Negro	Negroes w/whites	Biracial schools		Number	Cost	
State	[1] 3,123,003	822,426	[2] 672,674	216,096	[3] 533	75	Various	[4] 8,371	$2,060,895	None.
Charlottesville	23,830	5,561	3,398	1,244	35	2	Court-approved plan	640	109,151	None.
Norfolk	225,251	78,806	34,893	18,394	50	8	do	1,006	258,300	None.
Richmond	127,627	91,972	17,867	23,824	36	4	State pupil placement board	111	26,125	None.
Warren County	13,600	1,054	2,087	302	18	2	Court-approved plan	1,089	304,116	None.
Alexandria	80,388	10,353	12,368	2,298	45	8	State pupil placement board	155	34,907	Yes.
Arlington County	154,172	8,590	23,602	2,128	143	11	Local plan	360	84,684	Yes.
Fairfax county	260,145	13,821	63,668	2,195	95	18	do	979	232,900	Yes.
Falls church	10,011	144	1,937	26	3	2	do	41	10,212	Yes.

[1] U.S. Census, 1960.
[2] State Board of Education Bulletin, Superintendent of Public Instruction, Annual Report 1960–61.
[3] State totals, Southern School News; individual totals, local school district or Southern School News.
[4] State Department of Education.

APPENDIX B

Virginia Public Schools, Projected Desegregation as of September 1962

School district	Total enrollment [1]		Expected enrollment, Negroes in white schools, September 1962	Number of biracial schools	Date desegregated
	White	Negro			
Alexandria	13, 316	12, 279	63	8	1959
Amherst County [2]	3, 072	1, 502	9	2	1962
Arlington County	24, 983	2, 153	201	14	1959
Augusta County [2]	8, 225	444	3	1	1962
Charlottesville	3, 422	1, 250	44	2	1959
Fairfax County	61, 685	2, 299	214	34	1960
Falls Church	2, 192	26	5	3	1961
Floyd County	2, 355	132	24	1	1960
Fredericksburg [2]	1, 845	631	9	3	1962
Grayson-Galax	4, 941	240	23	1	1960
Hampton	14, 825	4, 134	2	1	1961
King George County [2]	959	578	29	2	1962
King William County	969	889	12	1	1961
Loudoun County [2]	4, 701	1, 339	4	2	1962
Lynchburg	8, 900	2, 887	15	8	Jan. 1962
Montgomery County	6, 515	361	4	1	1961
Newport News	15, 808	10, 034	35	5	1961
Norfolk	37, 026	18, 043	44	8	1959
Portsmouth [2]	13, 718	9, 845	14	4	1962
Prince William County	9, 868	919	9	3	1961
Princess Anne County [2]	16, 887	3, 486	38	2	1962
Pulaski County	6, 317	500	36	3	1960
Richmond	19, 207	23, 120	131	8	1960
Roanoke	15, 685	4, 083	91	4	1960
Shenandoah County [2]	4, 792	95	3	2	1962
Stafford County	3, 290	523	36	2	1961
Warren County	2, 699	313	15	2	1959
Winchester [2]	2, 739	344	4	1	1962
Total	325, 287	92, 449	1, 117	128	

[1] From State Board of Education Bulletin, Superintendent of Public Instruction, Annual Report 1960-61, pp. 338-45.

[2] Initial desegregation by assignment of Virginia State Pupil Placement Board or court order for September 1962.

Source of desegregation figures, Richmond (Va.) News Leader, Aug. 21, 1962, pp. 1 and 5.

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